
TIGARD CITY COUNCIL
MEETING

AUGUST 24, 2004 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Visitor's Agenda items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL MEETING
AUGUST 24, 2004

6:30 PM

- STUDY SESSION

> COUNCIL INVOLVEMENT IN DOWNTOWN IMPROVEMENT PLAN

- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss pending litigation under ORS 192.660(2)(h). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

- 1. BUSINESS MEETING

- 1.1 Call to Order - City Council & Local Contract Review Board
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports
 - 1.5 Call to Council and Staff for Non-Agenda Items

- 2. VISITOR'S AGENDA (Two Minutes or Less, Please)

- 3. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:

- 3.1 Approve Resolution for ODOT Transportation Enhancement Grant Application
 - 3.2 Local Contract Review Board:
 - a. Award DUST Construction Bid
 - b. Award Contract for the Construction of Mapleleaf Street Improvement

- Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered

immediately after the Council has voted on those items which do not need discussion.

4. PREVIEW OF TIGARD BLAST/CITIZEN FAIR
 - a. Staff Report: Tyler Ellenson, Tyler's Automotive
 - b. Council Discussion
5. PUBLIC HEARING (LEGISLATIVE) TO CONSIDER AN ORDINANCE APPROVING COMPREHENSIVE PLAN AMENDMENT TO CHAPTER 6 (HOUSING)
 - a. Open Public Hearing
 - b. Declarations or Challenges
 - Do any members of Council wish to report any ex parte contact or information gained outside the hearing?
 - Have all members familiarized themselves with the comprehensive plan?
 - Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council?
 - c. Staff Report: Duane Roberts, Long Range Planning Staff
 - d. Council Discussion
 - e. Council Consideration: Ordinance No. 04 - _____
6. PLANNED DEVELOPMENT COMMITTEE UPDATE
 - a. Staff Report: Jim Hendryx, Community Development
 - b. Council Discussion
7. DARE SUMMER CAMP REPORT
 - a. Staff Report: Sheryl Huiras, Tigard Police Department
 - b. Council Discussion
8. PUBLIC HEARING ON APPEAL OF BULL MOUNTAIN ANNEXATION BALLOT TITLE
 - a. Open Public Hearing
 - b. Declarations or Challenges
 - Do any members of Council wish to report any ex parte contact or information gained outside the hearing?
 - Have all members familiarized themselves with the comprehensive plan?
 - Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council?
 - c. Staff Report: Liz Newton, Jane McGarvin, City Administration Staff

- d. Council Discussion
- e. Council Consideration _____:

9. CONTINUATION OF DISCUSSION OF GOAL 5

10. COUNCIL LIAISON REPORTS

11. NON AGENDA ITEMS

12. ADJOURNMENT

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CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE ODOT Transportation Enhancement Application

PREPARED BY: D. Roberts/D. Plaza DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Should Council authorize the City Manager to submit to ODOT an application for federal aid available through the Transportation Enhancement program as a means of providing needed funding for the construction of the Woodard Park/Grant Avenue Fanno Creek Trail section?

STAFF RECOMMENDATION

Adopt the resolution authorizing the City Manager to submit the Transportation Enhancement application.

INFORMATION SUMMARY

ODOT is accepting applications for Transportation Enhancement (TE) program funding assistance for Fiscal Year 2007/08. The TE program provides federal highway funds for projects that strengthen the cultural, aesthetic, or environmental value of the transportation system. Typical projects include sidewalk and streetscape construction, bike lanes and shared-use paths, and viewpoints and interpretive sites. The minimum TE award is \$200,000.

The City project includes the completion of the Woodard Park/Grant Avenue segment of the Fanno Creek Trail. A copy of the completed application has been forwarded to the Finance Department for financial review. A copy of the complete project proposal is available in the City Recorder's Office.

OTHER ALTERNATIVES CONSIDERED

Do not apply for the grant funds.

Adopt a revised resolution.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

The proposed sidewalk infill project supports Transportation and Traffic Goal #3, which states that "Alternative modes of transportation are available and use is maximized."

ATTACHMENT LIST

Attachment #1: "A Resolution Authorizing the Submittal to the Oregon Department of Transportation."
Attachment #2: "Vicinity Map"

FISCAL NOTES

The cost of the trail project is estimated at \$480,000. A City in-kind contribution of \$55,000, plus \$50,000 in hard dollars is proposed. This amounts to 22% of the total project cost. According to the application materials, the minimum local match is 10%. The grant amount requested is \$375,000.

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-_____

A RESOLUTION AUTHORIZING THE SUBMITTAL TO THE OREGON DEPARTMENT OF TRANSPORTATION OF A TRANSPORTATION ENHANCEMENT FEDERAL AID APPLICATION TO FINANCE THE CONSTRUCTION OF THE WOODARD PARK/GRANT AVENUE SEGMENT OF THE FANNO CREEK TRAIL

WHEREAS, the Oregon Department of Transportation has funding available through the Transportation Enhancement program for projects that strengthen the cultural, aesthetic, or environmental value of the transportation system; and

WHEREAS, the City of Tigard desires to participate in this federal aid program as a means of financing needed Fanno Creek Trail improvements; and

WHEREAS, the improvement specified above would fill a key gap in the Fanno Creek Trail; and

WHEREAS, the proposed improvement is identified in the adopted Tigard Park System Master Plan and in Metro's Fanno Creek Trail Action Plan; and

WHEREAS, the installation of the specified trail improvement segment is defined in an application for Transportation Enhancement program federal aid; and

WHEREAS, the City hereby certifies that the matching share for this application will be readily available in FY 2007-08,

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Manager is authorized to apply for Transportation Enhancement funding assistance from the Oregon Department of Transportation for the installation of the Woodard Park/Grant Avenue trail section as specified above.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2004.

Mayor - City of Tigard







ATTEST:

Deputy City Recorder - City of Tigard

RESOLUTION NO. 04 -

Page 1

VICINITY MAP

-  Project Site
-  Fanno Creek
-  Parks
-  Tualatin River
-  City of Tigard
-  Main Roads



0 2000 4000 6000 Feet

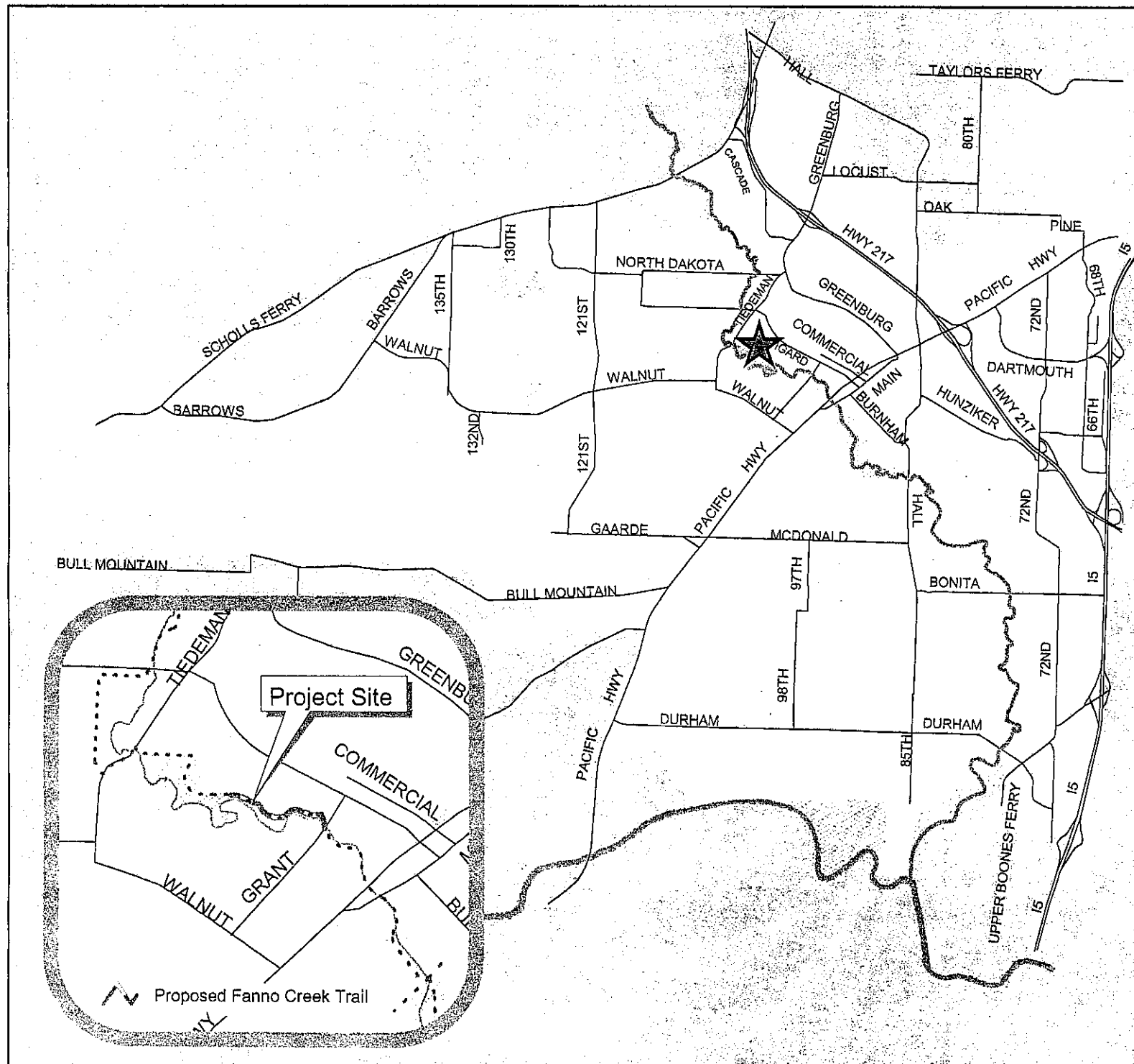
1" = 4000 feet



City of Tigard

Information on this map is for general location only and should be verified with the Development Services Division.

13125 SW Hall Blvd
Tigard, OR 97223
(503) 639-4171
<http://www.ci.tigard.or.us>



AGENDA ITEM # 3.2 a
FOR AGENDA OF 8/24/04

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE DUST Construction Bid Award
PREPARED BY: Loreen Mills *[Signature]* DEPT HEAD OK *[Signature]* CITY MGR OK *[Signature]*

ISSUE BEFORE THE COUNCIL

Should the Local Contract Review Board (LCRB) award a contract for remodel construction services for the Permit Center (old library) and City Hall buildings?

STAFF RECOMMENDATION

Staff recommends that the LCRB, by motion, award the bid to **Centrex Construction, Inc.** for the remodel construction of the Permit Center and City Hall buildings in the amount of **\$1,007,100** which includes bid options 1 and 3 and authorize the City Manager to enter into a contract for these services.

INFORMATION SUMMARY

The City Hall complex was built in 1986 and was expected to accommodate the City's Library needs for 10 years. In the years since 1986, Tigard's population has increased over 80 percent, while the Library's circulation has increased well over 331 percent. Since expanding the present building wasn't feasible to meet the Library's needs for the next 20 years, the citizens of Tigard approved a bond measure to construct a new Library at another site. The new Library is now finished and opened for public use.

As part of the Library bond measure process, the City assured citizens that the existing Library and City Hall buildings would be remodeled to accommodate the programming needs of the administrative departments of the City for the next 10 years.

The City developed a staff team to review efficient and cost effective space use options, coordinate the relocation of City staff into the remodeled buildings and provide recommendations regarding these activities to the City Manager. The City Manager has provided final approval and direction for space remodel based on the detailed space design and remodel construction plans developed by LRS Architects this year.

The City Council has continued to review the remodel plan over the last few years by receiving updates from staff, each year approving the 5-year capital improvement program and adopting the City's budget which set aside funds for the remodel project.

Bids were duly advertised and then opened for the remodel construction of the Permit Center (old library) and City Hall buildings on Tuesday, August 3rd. There were six bidders and the bid results are attached to this summary sheet. You will note that there were three alternate bid options and the City's Architect, LRS recommends Option 1 (acoustical ceiling areas in the Permit Center open office space) and Option 3 (casework in the Permit Center) be

included in the bid award. Since steel prices have been skyrocketing, bid alternative 2 had been included in case wood stud framing in lieu of metal framing would be a more cost effective method of construction. Since it did not result in a lower bid price, that option is not being recommended.

LRS Architects bid estimate was set at \$1.2 million and the bids (including alternate bid options 1 and 3) came in below this amount. There was about a 10% spread between the high and low bids.

References for Centrex Construction, Inc. have stated the firm does excellent quality work with their construction projects being on schedule and within budget. It is also exciting to anticipate working with a Tigard-based firm!

OTHER ALTERNATIVES CONSIDERED

Award bid to apparent low bidder, Centrex Construction, Inc., 8250 SW Hunziker, Tigard, Oregon.
Determine that the project should not be done at this time and reject all bids.
Provide staff with further direction.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

The vision identifies "adequate facilities are available for efficient delivery of life-long learning and programs and services for all ages." That goal identified by Tigard's citizens resulted in the construction of a new library. At the time the new library bond was passed by Tigard voters, the City made the commitment that the existing Library and City Hall buildings would be remodeled to accommodate the programming needs of the administrative departments of the City for the next 10 years.

ATTACHMENT LIST

Bidder list in order of low to high bid.
DUST remodel expenditure plan.

FISCAL NOTES

Funds are budgeted in the 2004-05 FY budget. The construction bid of \$1,007,100 + \$60,400 which is a City initiated contingency of 6% to cover the City Hall counter modification to comply with Federal ADA accessibility guidelines (which is not currently in the bid packet) and any unforeseen expenditures occurring during remodel construction are well within the budget.

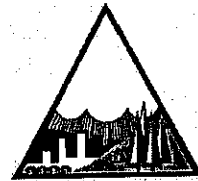
However, as Council was advised during a briefing on 6/15/04, before the Library moved from its hold location the electrical panel caught on fire. This will require the Permit Center to have new electrical service. This unexpected turn of events has increased the cost of the construction by about \$75,000.

A breakdown of the expenditure plan is attached and shows that the budgeted amount of \$1.1 million is anticipated to be a little low to cover the remodel construction including the new electrical service and other related costs for the project.

At this time, there are sufficient funds to award this remodel construction bid. Staff will come back to Council within the next few weeks to request a budget amendment to appropriate CIP contingency to complete the project once the final associated cost estimates are known.

Record of Bid Opening

ITB TITLE: Permit Center and City Hall Remodel

DUE DATE & TIME: Tuesday, August 3, 2004, 2:00 PM**BIDS LISTED IN ORDER OF APPARENT LOW TO APPARENT HIGH BID.**

Company & Mailing Address	Bid total with alternates #1 & 3; #2 deleted *	Bids Submitted
<u>Centrex Construction, Inc.</u> 8250 SW Hunziker Tigard, OR 97223	\$1,007,100	<u>Base: \$972,000</u> Alt. 1: + \$32,000 Alt. 2: + \$6,000 Alt. 3: + \$3,100
<u>Construction Services, Inc.</u> P.O. Box 25531 Portland, OR 97298	\$1,062,428	<u>Base: \$1,035,793</u> Alt. 1: + \$23,798 Alt. 2: + \$2,000 Alt. 3: + \$2,837
<u>R.B. & G. Construction</u> P. O. Box 474 Molalla, OR 97038	\$1,074,500	<u>Base: \$1,037,000</u> Alt. 1: + \$34,000 Alt. 2: - \$2,000 Alt. 3: + \$3,500
<u>J. T. Stephens Construction Co.</u> 1547 Court Street, NE Salem, OR 97301	\$1,086,400	<u>Base: \$1,046,900</u> Alt. 1: + \$36,200 Alt. 2: \$0 Alt. 3: + \$3,300
<u>Skyward Construction, Inc.</u> 15908 NE 10 th Avenue Ridgefield, WA 98642	\$1,101,900	<u>Base: \$1,063,000</u> Alt. 1: + \$35,500 Alt. 2: + \$6,000 Alt. 3: + \$3,400
<u>Nomarco, Inc.</u> 4066 S. Elliott Prairie Road, NE Woodburn, OR 97071	\$1,121,000	<u>Base: \$1,071,000</u> Alt. 1: + \$47,000 Alt. 2: + \$5,000 Alt. 3: + \$3,000

* = Bid Alternate #1 will be modified/negotiated after bid award to determine a less expensive way to provide acoustical buffering in the Permit Center building.

Bid Alternates:

- #1 – Acoustical ceiling areas in Permit Center open office space
- #2 – Provide wood stud framing in lieu of metal framing
- #3 – Provide casework in HR/Risk

DUST PROJECT
EXPENDITURE ALLOCATION PLAN FOR CIP BUDGET

Account # 300-6100-750043
Prepared by Loreen Mills – 8/10/04

REMODEL CONSTRUCTION – CENTREX BID AWARD

Centrex Construction, Inc. bid award	\$1,007,100
6% of bid for City Hall counter ADA modification & unforeseen remodel costs	<u>\$60,400</u>
<u>Total allocation for remodel construction <i>not to exceed</i></u>	<u>\$1,067,500</u>

ASSOCIATED REMODEL COSTS NOT INCLUDED IN CONSTRUCTION COSTS ABOVE

Land Use Minor Modification filing fee	\$450
Building permits	\$5,025
Moving contractor for Permit Center & City Hall relocations	* \$15,000
Additional office partitions	\$17,000
Signage both buildings inside and out	\$1,500
Network hardware for Permit Center	\$40,000
High density shelving unit – modified to hold files rather than library materials	* \$6,000
<u>Allocation for associated costs</u>	<u>\$84,975</u>

TOTAL ALLOCATION FOR RENOVATION	<u>\$1,152,475</u>
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TOTAL BUDGET FOR RENOVATION IN CIP BUDGET	\$1,100,000
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AMOUNT REQUIRED FROM CONTINGENCY IS ESTIMATED TO BE \$52,475 OR
ABOUT 4.5% OF TOTAL PROJECT BUDGET AS OF 8/10/04.

NOTE

* = estimated costs at this time

Total of 96 FTE will be in City Hall & Permit Center @ move in

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Award of Contract for the Construction of Mapleleaf Street Improvement

PREPARED BY: Vannie Nguyen DEPT HEAD OK: Agustin P. Duenas CITY MGR OK: Bill Monahan

ISSUE BEFORE THE COUNCIL

Shall the Local Contract Review Board approve the contract award for the construction of Mapleleaf Street Improvement?

STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board, by motion, approve the contract award to **S-2 Contractors** in the amount of **\$27,956.50**.

INFORMATION SUMMARY

The proposed project converts Mapleleaf Street between 72nd and 71st Avenue, an existing narrow gravel street, to a 25-foot wide paved street. Curb is installed on one side of the street to channelize the surface water runoff from the street into an existing ditch along 72nd Avenue. This project is not a full street improvement project but is intended to pave the existing gravel road and widen the street to match with the existing width of the adjacent street segment.

Widening the street to the ultimate width and installing sidewalks along the street in accordance with the Tigard Transportation Plan standards will be done in the future when additional funding is available. Funding for widening local streets to the full width in existing neighborhoods is typically performed through formation of a local improvement district.

Also included in the project is the installation of an asphaltic concrete (AC) berm along Errol Street to direct surface water runoff to an existing ditch at the Errol/Fonner Street intersection. A pavement overlay installed on Errol Street last year has created a situation whereby storm water from the street inadvertently flows into the yards of certain houses. Construction of the AC berm along Errol Street would re-direct the overflow to an existing storm drainage system.

This project was advertised for bids on July 26 and July 29, 2004 in the Daily Journal of Commerce and Tigard Times respectively. The bid opening was conducted on August 9, 2004 and the bid results are:

S-2 Contractors	Aurora, OR	\$27,956.50
Parker Northwest Paving	Oregon City, OR	\$39,707.50
Civilworks NW	Vancouver, WA	\$48,371.00
Eagle-Elsner	Tigard, OR	\$54,960.55
Kerr Contractors	Tualatin, OR	\$63,305.00
Engineer's Estimate		\$38,300

Based on the bids submitted, the lowest responsive bid of \$27,956.50 submitted by S-2 Contractors appears to be reasonable. Staff recommends approval of the contract award to this qualified lowest bidder.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

This project meets the Tigard Beyond Tomorrow Transportation and Traffic Goal of "Improve Traffic Flow and Safety".

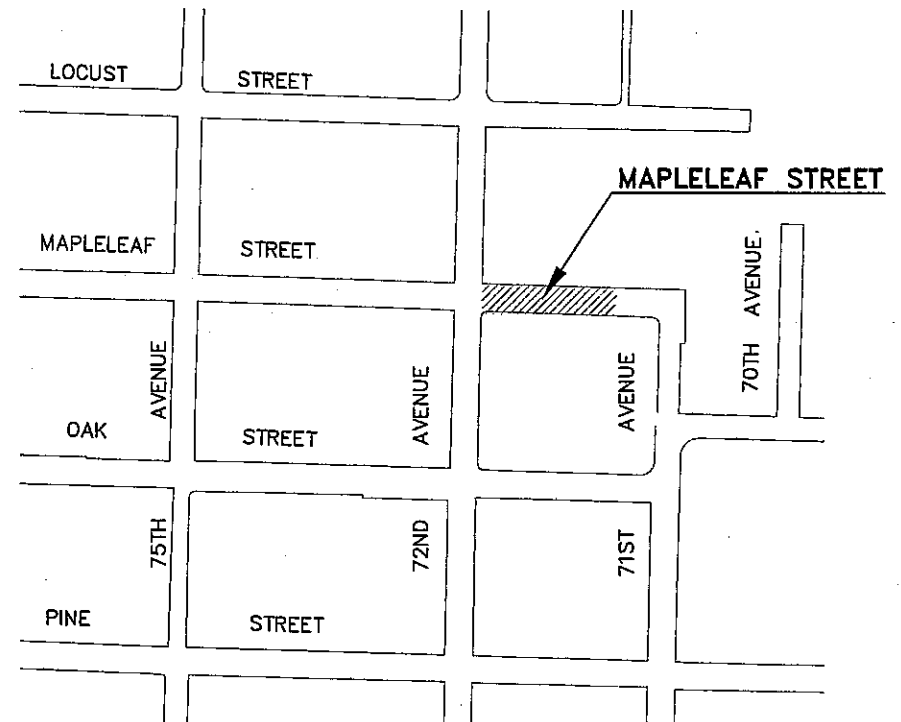
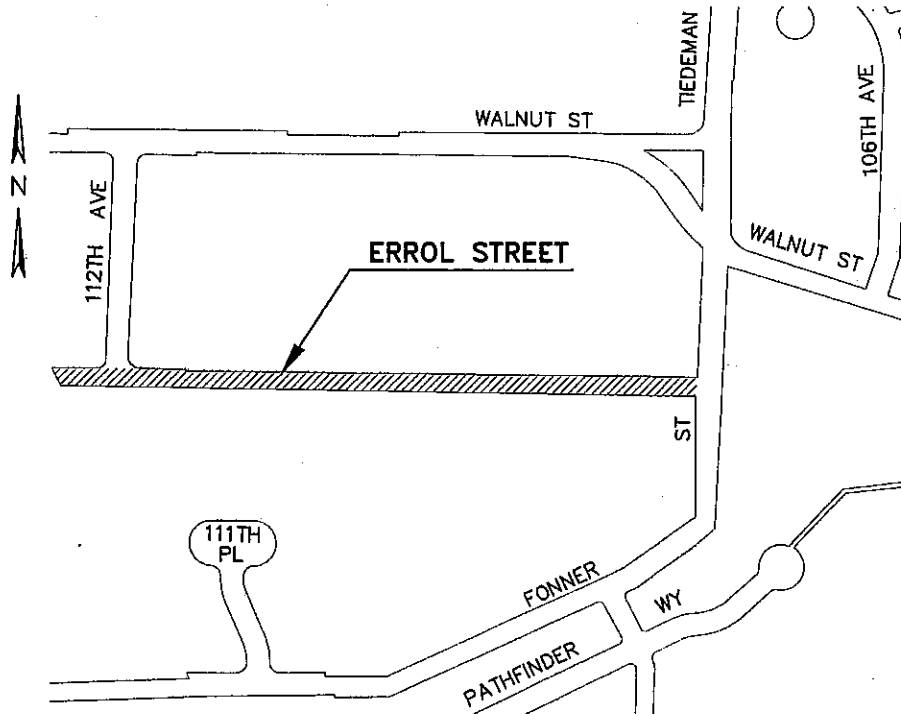
ATTACHMENT LIST

Project location map

FISCAL NOTES

The total funding for Mapleleaf Street Improvement is \$115,000 which includes \$70,000 from the State Gas Tax fund and \$45,000 from the Street Maintenance Fee fund. Installation of an AC berm on Errol Street is funded from the Storm Drainage Major Maintenance fund in the amount of \$100,000 in the FY 2004-05 CIP. The available funding is sufficient to award a contract of \$27,956.50 to S-2 Contractors.

ERROL STREET STORM DRAINAGE & MAPLELEAF STREET IMPROVEMENTS



AGENDA ITEM # 4
FOR AGENDA OF August 24, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Preview of Tigard Blast/Citizen's Fair

PREPARED BY: Liz Newton DEPT HEAD OK [Signature] CITY MGR OK [Signature]

ISSUE BEFORE THE COUNCIL

Update the City Council on the Tigard Blast/Citizen Fair event on September 18, 2004.

STAFF RECOMMENDATION

None.

INFORMATION SUMMARY

On Saturday, September 18, the Annual Tigard Blast will be held in downtown Tigard. It will begin with a parade at 10:00 a.m. and staff will coordinate a Citizen's Fair to be held in conjunction with the Blast activities.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None

ATTACHMENT LIST

None

FISCAL NOTES

There is no financial impact created by this action.

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Affordable Housing Amendments - Comprehensive Plan Amendment (CPA)
2004-00002

PREPARED BY: Duane Roberts DEPT HEAD OK [Signature] CITY MGR OK [Signature]

ISSUE BEFORE THE COUNCIL

Should City Council approve the attached ordinance amending Chapter 6, Housing, Volume II of the Tigard Comprehensive Plan to facilitate the provision of affordable housing within the community?

Should Council revise the adopted Affordable Housing Fee subsidy guidelines to include provisions giving preferential treatment to projects that contribute to the dispersal of affordable housing within the community?

STAFF RECOMMENDATION

Staff recommends that Council approve, by motion, the attached ordinance adopting the proposed amendments to the Housing Chapter of the Tigard Comprehensive Plan.

Staff recommends that Council approve the proposed addition to the Affordable Housing Fee Subsidy Guidelines.

INFORMATION SUMMARY

In 2001, Metro adopted Title 7, "Housing and Affordable Housing", as an amendment to the Urban Growth Management Functional Plan. Title 7 requires local jurisdictions to adopt comprehensive plan amendments aimed at encouraging the provision of affordable housing and to consider a variety of techniques to meet regional and local affordable housing needs.

A Metro evaluation of Tigard's Title 7 compliance contained in the Updated Metro Evaluation of Local Government Title 7 (Affordable Housing) Compliance Reports, dated December 18, 2003, lists as "Outstanding Items" the need for new City Comprehensive Plan policies and implementation measures that provide for the maintenance of existing affordable housing stock and that encourage the dispersal of new affordable housing within the community.

In response to the Metro evaluation and in order to achieve Title 7 compliance, staff has drafted several amendments to Chapter 6 of the Tigard Comprehensive Plan: Findings, Policies & Implementation Strategies, Volume II. These amendments include various implementing measures designed to address affordable housing stock maintenance and dispersal.

All of the amendments reflect pre-existing actions taken by the City to support affordable housing or to carry out state housing-related statutes. Examples of these amendments include new implementing strategies related to: the City fee subsidy program, which has been in operation for some two years; the Housing Maintenance Code, which was adopted in 1996; and the ten-year-old state statute that requires local

jurisdictions to allow manufactured homes in all residential zoning districts. No new policy or implementation initiatives are included among the amendments. The amendments are designed to incorporate into the City Comprehensive Plan new affordable housing promotion measures adopted by the City in recent years and to provide additional evidence of Metro Title 7 compliance.

The Tigard Planning Commission considered the amendments in a hearing on July 19, 2004, and voted unanimously to forward a recommendation to Council to approve the amendments as written. No one appeared at the public hearing to testify either in favor or in opposition to the amendments.

The new City Affordable Housing Program, adopted by Council on 9/24/02, included a range of land use and non-land use affordable housing promotion measures. One of the non-land use measures was a budget set-aside designed to offset fees and charges imposed on affordable housing development. At its 10/15/02 meeting, Council reached agreement on a set of ten guidelines that define the requirements and conditions for entities wishing to apply for the set-aside funds. The new guideline before the Council is intended to carry out proposed 6.1.1. Implementation Strategy 10, which states that "The City shall establish a fee subsidy program intended to offset fees and charges imposed on affordable housing development. The guidelines for the award of the competitive funds shall give high consideration to projects that facilitate the dispersal of affordable housing within the City".

OTHER ALTERNATIVES CONSIDERED

Do not adopt the amendments.

Adopt revised amendments.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth and Growth Management, Goal #3: Partnerships for advocacy for development of additional units and preservation of affordable housing are encouraged and supported by the City and the community.

ATTACHMENT LIST

- Attachment #1: Ordinance amending Chapter 6, Housing, Volume II of the Tigard Comprehensive Plan
Exhibit A: Proposed revisions to Tigard Comprehensive Plan Findings, Policies & Implementation Strategies, Volume II
Exhibit B: Staff Report to Planning Commission
Attachment #2: Draft Planning Commission meeting minutes - July 19, 2004
Attachment #3: Affordable Housing Fee Assistance Guidelines.

FISCAL NOTES

The proposed amendments do not involve the allocation of City funds.

CITY OF TIGARD, OREGON

ORDINANCE NO. 04-_____

AN ORDINANCE AMENDING CHAPTER 6, HOUSING, VOLUME II OF THE TIGARD COMPREHENSIVE PLAN.

WHEREAS, the City of Tigard finds it necessary to revise Chapter 6 of the Tigard Comprehensive Plan Findings, Policies and Implementation Strategies, Volume II; and

WHEREAS, the City of Tigard Planning Commission held a public hearing on July 19, 2004, regarding amendments to the housing chapter; and

WHEREAS, these amendments are those included in Comprehensive Plan Amendment (CPA) 2004-00002; and

WHEREAS, the proposed amendments are designed to promote the dispersal and facilitate the maintenance of affordable housing within the community; and

WHEREAS, the amendments reflect pre-existing actions taken by the City in recent years that have not, as yet, been incorporated into the Comprehensive Plan; and

WHEREAS, the City of Tigard Planning Commission voted unanimously to recommend Council approval of the proposed amendments shown in Exhibit "A"; and

WHEREAS, the City Council held a public hearing on August 24, 2004, to consider the amendments,

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The proposed amendments are consistent with all relevant criteria based on the facts and conclusions noted in the attached staff report (Exhibit "B").

SECTION 2: The specific text amendments attached to the Ordinance are hereby adopted and approved by the City Council.

SECTION : This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2004.

Jane McGarvin, Deputy City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2004.

Craig Dirksen, Mayor

Approved as to form:

City Attorney

Date

Bold addition
~~Crossout~~ deletion

Tigard Comprehensive Plan Findings, Policies & Implementation Strategies, Volume II

6. HOUSING

This chapter considers the land and the dwelling units where Tigard residents live. Residential land uses occupy more land area than any other land use in the City.

This chapter addresses the Statewide Planning Goal #10:

"To provide for the housing needs of the citizens of the State."

The plan policies focus on five basic areas: 1) Housing needs; 2) Housing costs; 3) Established residential areas; 4) Housing conditions; and 5) Urban Expansion.

Detailed information concerning housing in Tigard is available in the "Comprehensive Plan Report: Housing."

6.1 HOUSING NEEDS

Findings

- Residential housing in Tigard has been developed as 55.6% single family detached dwellings, 42.7% attached units, and 1.7% manufactured homes.
- The Metropolitan Housing Rule adopted by the Land Conservation and Development Commission states that Tigard must provide for 50% single family and at least 50% single family attached or multiple family units with a minimum of 10 units to the net acre. The Metro Housing Rule applies to only vacant buildable land within Tigard's Urban Planning Area, and does not affect established and developed residential areas.
- The rapid increase in housing and land costs over the last several years has excluded many households from obtaining suitable housing to meet their needs.
- Many of the households that do not desire or are unable to afford conventional single family detached dwellings rely on the rental market or attached dwellings to meet their housing needs.
- The rapidly changing housing market will require the City to periodically reevaluate its housing and land use objectives to provide for a variety of housing types and densities to meet the needs of future residents.
- Approximately 19% of the households in Tigard are inhabited by senior citizens.

- Undue concentrations of public assisted or subsidized housing serves to isolate the recipients of such housing from the mainstream of the community, its full range of basic services and the diversity of its neighborhoods. For this reason, the City should take steps to disperse such housing within individual neighborhoods and throughout the City itself.

POLICY

6.1.1 THE CITY SHALL PROVIDE AN OPPORTUNITY FOR A DIVERSITY OF HOUSING DENSITIES AND RESIDENTIAL TYPES AT VARIOUS PRICES AND RENT LEVELS.

(Rev. Ord. 85-03; Ord. 84-38; Ord. 84-29; Ord 96-24)

IMPLEMENTATION STRATEGIES

1. The City shall monitor the rate of development through an annual "land survey," which will function as an up-to-date inventory of land available for future residential needs.
2. The Tigard Community Development Code shall list a broad range of zoning districts which allow for a variety of housing types, and comply with the adopted Metropolitan Housing Rule (50-50 mixture of single family and attached or multiple family at 10 units to the net acre on buildable vacant land).
3. The Tigard Community Development Code, through the Planned Development process, shall establish a procedure to allow properties exhibiting physical constraint characteristics, e.g., steep slopes or floodplains, to develop with density transfers allowable on the site.

In addition, the City shall encourage developers to use the planned development process in all developing areas.

- ~~4. The Tigard Community Development Code shall allow for manufactured homes in manufactured home parks and subdivisions, within specified zoning districts.~~
4. ***The City shall allow for manufactured homes in all residential zoning districts.***
5. The City shall encourage housing development to occur, to the greatest extent possible, on designated buildable lands in areas where public facilities and services can be readily extended to those lands.
6. The City shall provide for opportunities for proposals to develop specialized housing for the area's senior citizens and handicapped based on the needs of these groups by:

- a. Making information available on subsidizing programs;
 - b. Allowing special use housing for these groups in all development districts;
 - c. Requiring the needs of the handicapped to be considered as a part of the Site Design Review process.
7. The City shall coordinate with the Washington County Housing Authority, ***private non-profit housing corporations***, H.U.D. and other Federal, State and regional agencies for the provision of subsidized housing programs in Tigard.
 8. The City shall determine through census figures, surveys and organizational reports, such as those prepared by the area Agency on Aging, the extent of the City's need and projected need in the area of low and moderate income housing, senior housing and specialty housing. The City shall encourage the development of such housing types to meet the identified and projected needs.
 9. ***The City shall maintain its long standing intergovernmental agreement with the Washington County Housing Authority that, among other provisions, emphasizes the supply of new Authority-owned affordable housing at dispersed sites within the community.***
 10. ***The City shall establish a fee subsidy program intended to offset fees and charges imposed on affordable housing development. The guidelines for the award of the competitive funds shall give high consideration to projects that facilitate the dispersal of affordable housing within the City.***

6.2 HOUSING COSTS

Findings

- The factors that have contributed to increasing housing costs are materials, labor, land costs, financing and regulation costs. (The average sales price of a new single family home increased from \$22,700 in 1970 to \$45,000 in 1976, to over \$76,000 in 1980.)
- Land and regulation costs have dramatically increased the cost of development.
- Construction costs may be reduced by building smaller units and using alternative construction techniques.
- Excessive regulation costs can be reduced by simplifying the application process and reducing unnecessary development standards.
- Financing costs of residential units cannot be controlled by the City of Tigard; however, the City can assist in public facilities and services development through financing mechanisms.

6.2.1 THE CITY SHALL DEVELOP CLEAR AND CONCISE DEVELOPMENT REGULATIONS AND STANDARDS TO FACILITATE THE STREAMLINING OF DEVELOPMENT PROPOSALS, AND WILL ELIMINATE UNNECESSARY PROVISIONS WHICH COULD INCREASE HOUSING COSTS WITHOUT CORRESPONDING BENEFIT.

IMPLEMENTATION STRATEGIES

1. The City shall review, revise and update the land division, zoning and sign codes. The corresponding document will be grouped in a single code and identified as the Tigard Community Development Code.
2. The Tigard Community Development Code shall include clear and concise processes for the review and approval of development proposals, to the degree that the quality of the review process is not adversely affected. This will be accomplished by, but not limited to:
 - a. Administrative procedures;
 - b. Application forms; and
 - c. Clear and concise standards for each development process.
3. The City shall seek ways to minimize the cost of housing by encouraging a variety of home ownership alternatives such as, but not limited to, townhouses and condominiums.
4. The City shall continue to support the development of traditional housing types such as single family detached dwellings, duplexes and apartments.
5. The City shall encourage geographic flexibility in the choice of housing.

6.3 ESTABLISHED RESIDENTIAL AREAS (REPEALED BY ORDINANCE 98-19 dated 8/25/98)

6.5 HOUSING CONDITIONS

Findings

- A majority of the City's existing units have been built since 1960; and in general, these units are in good condition.
- Most of the upkeep on these structures involves minor mechanical problems, weatherization and painting.
- The City currently does not have any rehabilitation programs for those residential structures that need major repairs. The Washington County Community Action Organization (WCCAO) does administer a weatherization program funded by the federal government to assist low income residents. Other residents of Tigard may rely on federal and State tax incentives for weatherization, as those

incentives are available. As many of the existing 20 year-old homes age, more repair and rehabilitation work may be needed in order to maintain the high quality of residential structures that now exist.

- The ~~Housing Authority of Washington County~~ **Community Development Office** operates a Home Repair Program funded by the Federal Government to assist low and moderate income homeowners. The Housing Authority **of Washington County** also operates a Multi-Family Rental Rehabilitation Program funded by the Federal Government, to assist units occupied by low and moderate income tenants.

POLICY

6.5.1 THE CITY SHALL REQUIRE THAT ALL HOUSING UNITS BE:

- a. CONSTRUCTED ACCORDING TO THE OREGON UNIFORM BUILDING CODE OR OTHER APPLICABLE STATE OR FEDERAL STRUCTURAL CODES; AND
- b. MAINTAINED IN A MANNER WHICH DOES NOT VIOLATE THE CITY'S NUISANCE OR **PROPERTY MAINTENANCE REGULATIONS**.~~ORDINANCE~~

IMPLEMENTATION STRATEGIES

1. The Tigard Community Development Code will establish a Site Development Review, Conditional Development and Planned Development process in which to review development proposals.
2. The City will continue to administer the Uniform Building Code on all applicable types of construction in Tigard.
3. *In order to insure continued safe and sanitary housing, the City shall develop a Residential Property Maintenance Code and assign a Housing Inspector to administer it.*
4. *To assist residents who need financing for home repairs, the City shall encourage residents to utilize the various low interest loan and grant programs offered by the Washington County Office of Community Development through its Housing Rehabilitation Program.*
- 3.5 The City will enforce, where financially feasible, all nuisance ordinances that relate to ~~structure and site appearances~~. **The City also will enforce all ordinances that relate to structural soundness.** The City will encourage private property owners to comply with all nuisance and **structural** ordinances, which will alleviate the financial burden of the City and its taxpayers to enforce these ordinances.

- 4.6 The City will set reasonable rules in the Tigard Community Development Code for accessory buildings which will protect the character of existing residential neighborhoods.

l/lrpn/dr/6

Agenda Item: _____
Hearing Date: _____

**STAFF REPORT TO THE
PLANNING COMMISSION
FOR THE CITY OF TIGARD, OREGON**

SECTION I: APPLICATION SUMMARY

FILE NAME: AFFORDABLE HOUSING CODE AMENDMENT
FILE NO. Comprehensive Plan Amendment (CPA) CPA2004-00002

PROPOSAL: The City of Tigard proposes to amend Chapter 6, Housing, Volume II of the Tigard Comprehensive Plan to facilitate the provision of affordable housing within the community.

APPLICANT: City of Tigard
Attn: Duane Roberts
13125 SW Hall Boulevard
Tigard, OR 97223

OWNER: N/A

**COMPREHENSIVE
PLAN
DESIGNATION:** N/A

**ZONING
DESIGNATION:** N/A

LOCATION: Citywide

**APPLICABLE
REVIEW**

CRITERIA: Statewide Planning Goals 1, 2, and 10; Metro Urban Growth Management Plan Titles 1, 7, and 8; Comprehensive Plan Policies 1, 2, 6, and 12; and Community Development Code Chapters 18.380 and 18.390

SECTION II: STAFF RECOMMENDATION:

Staff recommends approval of the proposed ordinance amendments according to the findings found in Section IV of this report.

SECTION III: BACKGROUND INFORMATION

In 2001, Metro adopted Title 7, "Housing and Affordable Housing", as an amendment to the *Urban Growth Management Functional Plan*. This title requires local jurisdictions to adopt comprehensive plan amendments aimed at encouraging the provision of affordable housing and to consider a variety of techniques to meet regional and local affordable housing needs. Metro Code Section 3.07.730.A.2 of Title 7, states that:

A. Cities and counties within the Metro region shall ensure that their comprehensive plans and implementing ordinances: 2. Include in their plans actions and implementation measures designed to maintain the existing supply of affordable housing as well as increase the opportunities for new dispersed affordable housing within their boundaries.

The City proposes to amend Chapter 6 of the Tigard Comprehensive Plan: Findings, Policies & Implementation Strategies, Volume II, to add implementing measures designed to address affordable housing stock maintenance and affordable housing dispersal. These amendments respond to a Metro evaluation of Tigard's Title 7 compliance contained in the *Updated Metro Evaluation of Local Government Title 7 (Affordable Housing) Compliance Reports*, dated December 18, 2003. This evaluation lists as an "Outstanding Item" the need for new City comprehensive plan policies and implementation measures that carry out Metro Code Section 3.07.730.A.2 quoted above.

A copy of the City's proposed Comprehensive Plan amendments is attached. Proposed additions are highlighted in bold. Proposed deletions are indicated by strikeouts. All of the implementation measures proposed as additions are pre-existing actions taken by the City. An exception is the housing subsidy program guideline giving special consideration to projects that facilitate the dispersal of affordable housing within the City.

The amendments promote affordable housing dispersal by explicitly recognizing the state statute requiring local jurisdictions to allow manufactured homes in all residential zoning districts; by requiring the City to maintain its long standing intergovernmental agreement with the Washington County Housing Authority that, among other provisions, emphasizes the provision of new Authority-owned affordable housing at dispersed sites within the community; and by requiring the City to establish a fee subsidy program for affordable housing development that includes guidelines giving preferential treatment to projects that facilitate the dispersal of affordable housing within the City.

The amendments promote the maintenance of existing housing stock by requiring the City to develop a Residential Property Maintenance Code and assign a Housing

Inspector to administer it and by requiring the City to encourage residents to utilize the various low interest loan and grant home repair programs offered by the Washington County Office of Community Development through its Housing Rehabilitation Program. Some of the means of "encouraging" include informational fliers, and City webpage, newsletter, and cable program announcements that provide program details and contact information.

In conclusion, in order to complete Title 7 compliance, Tigard proposes to adopt conforming amendments to its Comprehensive Plan that provide for the maintenance of existing affordable housing stock and that encourage the dispersal of new affordable housing within the community. These required amendments are the subject of this application.

SECTION IV: APPLICABLE REVIEW CRITERIA AND FINDINGS

APPLICABLE REVIEW CRITERIA:

Statewide Planning Goals 1, 2, and 10; Urban Growth Management Plan 1, 7, and 8; Tigard Comprehensive Plan Policies 1, 2, 6, and 12; and Community Development Chapters 380 and 390.

Three Statewide Planning Goals need to be considered with regard to this request:

Goal # 1: Develop a citizen involvement program that ensures the opportunity for citizens to get involved in all aspects of the planning process.

This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and for changes to the Comprehensive Plan and implementing documents. This goal will be met by complying with the Tigard Development Code notice requirements set forth in Section 18.390. Notice will be published in the Tigard Times Newspaper prior to the public hearings. Two Public Hearings will be held (one before the Planning Commission and the second before the City Council) in which public input will be received. Additionally, prior to the submittal of the Land Use Application containing the proposed amendments, the amendments were considered at Planning Commission workshop meetings held on April 19 and 26, 2004. On May 20, 2004, the Tigard Committee for Citizen Involvement considered the amendments and made suggestions for publicizing them. In June, the text of the amendments and a summary of their contents were posted in the City of Tigard webpage.

Goal # 2: Establish a land use planning process and policy framework as the basis of all land use decisions and actions, and ensure an adequate factual data base to substantiate those decisions and actions.

This goal outlines the land use planning process and policy framework. The Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals. The Development Code implements the Comprehensive Plan. The Development Code establishes a process for and policies to review changes to the Development Code consistent with Goal 2. The City's plan provides analysis and policies with which to evaluate a request for amending the Code consistent with Goal 2. The established process with regard to the process and policy framework has been followed with respect to the housing- related amendments under discussion.

Goal # 10: Provide adequate housing for the needs of residents of the community, State, and visitors.

The Tigard Comprehensive Plan has been acknowledged as meeting this statewide goal. The proposed amendments carry out the intent of the goal with respect to facilitating affordable housing. The amendments particularly address OAR 660-015-0000(10), B.2.(b), which states that plans should take into account the effects of utilizing financial incentives and resources to *bring into compliance with codes adopted to assure safe and sanitary housing the dwellings of individuals who cannot on their own afford to meet such codes*. The amendments do this by requiring the City to encourage residents to utilize the various low interest loan and grant repair programs offered by the Washington County Office of Community Development.

Seven Metro regulations need to be considered with regard to this request:

Title 1: Requirements for Housing and Employment Accommodation

Under this title, the City needs to consider housing and employment targets established for Tigard. The provisions required in this title are included in the Tigard Comprehensive Plan. Effective measures have been taken to reasonably assure that the calculated capacities will be built for dwelling units and jobs. As described below, the present amendments are intended to address the additional requirements of Title 7 (Affordable Housing) of the Metro functional plan. Adoption of the proposed amendments will not affect or interfere with the achievement of housing targets. The amendments are intended to encourage the dispersion of affordable housing throughout the community and to support the maintenance of the community's existing housing stock.

Title 7: Regional policy designed to ensure efficient use of land, adequate land for residential development, and affordable housing strategies and production goal for meeting the housing needs of this region.

Title 7 is the subject of the present application. The Title recommends changes to City and County policies related to affordable housing promotion. It also establishes mandatory requirements that local governments must undertake as part of Metro's regional planning effort. The amendments proposed by the City are designed to meet Title 7 requirements related to affordable housing dispersal and maintenance. These have been identified as "outstanding items" in a Metro report evaluating Tigard's Title 7 compliance.

Title 8: Compliance with the Urban Growth Management Plan.

According to Metro regulation 7.07.810.G, an amendment to a City Comprehensive Plan shall be deemed to comply with the Urban Growth Management Plan if the local jurisdiction provided notice to the Metro Chief Operative Officer. On 5/26/04 the City provided notice of the amendments to the designated Metro authorities by certified mail. Therefore this goal is met.

Three City of Tigard Comprehensive Plan Policies need to be considered with regard to this request:

TCP Policy 1 1.1: The City shall ensure that this comprehensive plan and all future legislative changes are consistent with the statewide planning goals adopted by the Land Conservation and Development Commission and the Regional Plan adopted by the Metropolitan Service District.

This policy is satisfied because the proposed Comprehensive Plan policy changes are consistent with the Statewide Planning Goals as indicated above, and the changes help to keep the plan current with local needs and recent administrative rule changes. In particular, the changes implement Title 7 of the Metro Framework Plan. Comments received from LCDC staff (included in the Agency Comment section of this report) provide evidence that the proposed changes are consistent with the Statewide Planning Goals.

TCP Policy 2.1.1: The City shall maintain an ongoing citizen involvement program and shall assure that citizens will be provided an opportunity to be involved in all phases of the planning process.

The proposed amendments were discussed at Planning Commission workshops held on April 19 and 26, 2004. The Citizen Involvement Team Facilitators, who serve as Tigard's official committee for Citizen Involvement (Policy 2.1.2.c), on May 20, 2004, discussed the amendments and suggested opportunities for public involvement related to their consideration. As recommended by the committee, the amendments have been posted on the official City webpage along with an explanation of the changes and their significance. In addition, two Public Hearings will be held (one before the Planning Commission and the second before the City Council) in which public input will be welcome.

TCP Policy 2.1.2: The opportunities for citizen involvement provided by the City shall be appropriate to the scale of the planning effort and shall involve a broad cross-section of the community. b. Where appropriate, other involvement techniques will be used.

As discussed above, Citizen Involvement Team Facilitators serve as the primary means for citizen involvement in land use planning. An amendment public information process appropriate the proposed code changes was discussed at a regular CCI meeting. The amendments and an explanation of their significance were posted on the City webpage. As also mentioned above, the amendments were discussed at two Planning Commission workshop meetings open to the public. In addition, two formal Public Hearings will be held (one before the Planning Commission and the second before the City Council) in which public input will be received. Therefore, this policy is satisfied.

TCP Policy 2.1.3: The City shall ensure that information on land use planning issues is available in an understandable form for all interested citizens.

This policy was addressed previously in this report. Additionally, the Tigard Development Code notice requirements have been met. Notice was mailed to various public and private agencies and notice was published in the Tigard Times prior to the Planning Commission and Council public hearings. An opportunity for public testimony will be provided at both hearings. The notices and informal outreach efforts have included the provision of information in an understandable form.

TCP Policy 6.1 .1: The City shall provide an opportunity for a diversity of housing densities and residential types at various prices and rent levels.

The proposal amends 6.1.1 to include additional strategies to support affordable housing dispersal. The changes are consistent with the finding that "Undue concentrations of public assisted or subsidized housing serves to isolate the

recipients of such housing from the mainstream of the community, its full range of basic services and the diversity of its neighborhoods. For this reason, the City should take steps to disperse such housing within individual neighborhoods and throughout the City itself."

TCP Policy 6.5.1: The City shall require that all housing units be: b. Maintained in a manner which does not violate the City's nuisance ordinance.

The amendments contain provisions intended to enhance the maintenance of the City's existing housing stock. Specifically, implementation measure number 3, under 6.5.1 provides that in order to insure continued safe and sanitary housing, the City shall develop a Residential Property Maintenance Code and assign a housing inspector to administer it. The proposed Maintenance Code supplements and does not lessen the requirements of the existing nuisance ordinance.

TCP Policy 12:1.1: The City shall provide for housing densities in accordance with: a. Applicable plan policies; b. Applicable location criteria; and c. Applicable Community Development Code provisions.

The present amendments do not propose to amend existing plan policies, location criteria, or code provisions related to density.

SECTION V: OTHER STAFF COMMENTS

The Community Development, Engineering, Police, and Public Works Departments have reviewed this application and offered no comments or objections.

SECTION VI AGENCY COMMENTS

Metro has reviewed this application and offered no comments or objections.

The Department of Land Conservation and Development has reviewed this proposal and offered the following comments:

"I received your notice of proposed amendment for changes to the Comprehensive Plan regarding Title 7 requirements. DLCD appreciates the opportunity to comment. We support the City's efforts in proposing policy changes to support the goal of maintaining and increasing the supply of the affordable housing that meets the

Metro Housing Rule. The City's Affordable Housing Program is exemplary in its approach to addressing the need and Tigard should be commended. Since Title 7 is voluntary in nature the following comments are advisory, but should be included in the record. The proposed changes would allow manufactured housing units in all residential zones, which is consistent with ORS 197.303 for "needed housing." ORS 197.307 allows the City to adopt approval and placement standards for certain residential development, including manufactured dwellings. The proposed changes do not violate this statute, but a review of your zoning codes may be appropriate to ensure compliance with "clear and objective" criteria.

The other proposed policy amendments support Title 7 and are common sense approaches to coordinate efforts among numerous jurisdictions working on the same issue. In addition to the housing authority, I would encourage the City to work with community development corporations and private non-profit providers, such as Habitat for Humanity, and list private non-profits by policy. (Policy 6.1.1, Strategy 7).

According to the most recent Title 7 compliance report from Metro, the following items are outstanding: (1) Ensuring that the City's comprehensive plan and implementing ordinances include measures to maintain the City's existing supply of affordable housing and increase the dispersion of affordable housing. 2) Consideration of the amendment of comprehensive plan and implementing ordinance amendments to include density bonus and the transfer of development rights in Metro Code 3.07.730.B. 3) Encouraged consideration of the amendment of comprehensive plan and implementing ordinance amendments to include the implementation of replacement housing and inclusionary housing in urban renewal areas as outlined in Metro Code Section 3.07.760. It's my understanding that Tigard has considered the first two but found them unworkable due to staff constraints and a lack of inventory to determine the need. An inventory of this nature would offer an ideal service learning opportunity to graduate students at the UO and PSU planning schools. A project manager would still be needed, but the majority of the leg work could be done for little cost. The city might want to explore this possibility.

With regard to the last item, the upcoming Downtown Improvement Plan is a great opportunity to discuss the merits of adding housing, including affordable units, as a strategy to revitalizing the town center. Obviously, the key is finding the best mechanism to fund a downtown program and identify appropriate sites. I would hope the city includes this topic in its list of alternative uses and viable options to spur new development in the downtown. If you have any questions about these comments, please feel free to contact me. Thanks for the opportunity to comment and let us know how we can assist you in the future."

RESPONSE:

As suggested by DLCD, the Current Planning Manager has agreed to undertake a review of the Tigard Community Development Code to ensure its compliance with State "clear and objective" criteria.

We concur that private-non-profit housing corporations are important providers of affordable housing and should be recognized as such in the Comprehensive Plan. Two such corporations, the Tigard-based Community Partners for Affordable Housing and the Tualatin Valley Housing Partners, currently own and manage a combined 262 units of affordable housing within and adjacent to the City. We propose amending 6.1.1, Strategy 7 to include a reference to the contribution of the non-profits.

With regard to the Metro evaluation of the City of Tigard's Title 7 compliance, the City officially has concurred with the listing of item 1 as "outstanding". This item refers to the need to adopt Comprehensive Plan and implementing ordinances to maintain the existing supply and increase the dispersal of affordable housing. The present amendments are intended to address this deficiency. The City has questioned Metro's inclusion of Items 2 and 3 as "outstanding Items" and some months ago submitted evidence that it has met each. Metro has not responded to this submittal as yet.

We concur that the development of the Downtown Improvement Plan provides an opportunity to discuss the merits of including housing, including additional affordable housing to the mix of downtown uses. Although not explicitly spelled out in the project work scope, the downtown planning effort will include consideration of opportunities and strategies for affordable housing development. As part of its approach to this topic, the City made an effort to recruit one or two affordable housing residents to serve on the Downtown Task Force.

PREPARED BY: Duane Roberts
Associate Planner

DATE: 7/8/04

APPROVED BY: Barbara Shields
Long Range Planning Manager

DATE: 7/8/04

From: Duane Roberts
To: John Frewing
Date: 7/15/04 2:55PM
Subject: Re: Comp Plan Amendment for Affordable Housing

Mr. Frewing,

The background for the amendments goes back to 2002 when one of the Council goals was to "consider ways to support the provision of affordable housing". After a series of workshop meetings focused on a range of potential tools and strategies, Council adopted the Affordable Housing Program as "a complete and official statement of the City's overall affordable housing program". I attached the e-version of this report to my previous email. Significantly, Community Partners for Affordable Housing, the Tigard-based non-profit housing corporation, was a major participant in these policy discussions. CPAH staff shared their frontline, on-the-ground knowledge of obstacles to affordable housing development and were a valuable resource to Council.

The CPA 2004-00002 amendments are narrowly focused and are intended to provide additional evidence of Metro Title 7 compliance, rather than revisit the Council-adopted affordable housing position paper. All of the new amendments reflect pre-existing actions taken by the City and are refinements to the City's existing policies. The CPA is not intended to initiate or be part of a full-fledged policy review, because that took place two years ago.

Planning Commission and Council can always decide later on to initiate an affordable housing policy discussion or consider adding new or revised housing promotion measures. The present staff-initiated amendments are more in the nature of housekeeping changes to the existing housing section of the comprehensive plan.

We offer the following in response to your specific comments, which we view as good faith efforts to support affordable housing development in the community.

A. A pre-application meeting was held on May 18th with Morgan Tracey. He left on vacation shortly thereafter and forgot to file the pre-application notes before leaving. A copy of the pre-application notes is attached. Because of their narrow purpose, the City did not seek comments on the amendments from Habitat for Humanity or other non-profits. However, we agree that Habitat for Humanity would be a useful contact with regard to future Housing-related issues. They are not on our present list of regular housing-related contacts. We will add Habitat for Humanity Willamette West, 7830 SW 40th Street, Portland 97219 to our mailing list. Please let us know if there is a more appropriate local office we should include on the list.

B. As indicated in my previous email, the Committee on Citizen Involvement was reactivated in May. A copy of the meeting minutes was attached to the email message. A copy of the committee's July 15th meeting agenda is attached to the present email for your information.

C. The City land survey covers that Urban Planning Area.

D. There is no prohibition on the number of manufactured homes in the development code. As required by State Statutes, they are treated the same as stick built houses.

E. Some would question whether this would do anything to promote affordable housing, as opposed to limiting normal housing and increasing the prices of homes by limiting supply.

F. Council considered affordable housing development fee subsidies as part of the Affordable Housing Program and decided on an appropriate level of support based on local conditions and resources. Council is free to consider and act on any suggested, including the suggestion outlined in your email, for revising the amount upward or downward.

G. Requiring low maintenance features may be too restricted. It could add another requirement on

affordable housing.

H. Why should this be done to affordable housing only? This would cause affordable housing to meet a standard that would greatly increase costs. Existing residents have not provided enough park space to meet City level of service standards. Does this mean only the "newcomers" are required to fix this deficit? City maintenance of open space in each development would greatly increase City park maintenance costs.

i/lrpln/dr.affordable housing.cpa.response

Duane Roberts
City of Tigard
13125 SW Hall Blvd
Tigard, OR 97223
503-639-4171 ext 2444

>>> "John Frewing" <jfrewing@teleport.com> 07/10/04 03:44PM >>>
July 10, 2004

Duane Roberts
City of Tigard

Dear Duane:

On Friday I reviewed the file of CPA 2004 - 00002 regarding a comprehensive plan amendment to facilitate the provision of affordable housing within Tigard. You appear to be the staff person carrying this amendment for city approval. I submit my comments as input to your preparation and the Planning Commission in their recommendation to City Council and I would appreciate a brief reply that they indeed have been forwarded and included in the record:

A I didn't see any notes of the pre-application meeting in the file. Such is required by TCDC 18.390.060.A. These notes are important in order to determine what alternatives were considered and what input from interest groups may be influencing the city action. For example, has the city sought comments from Habitat for Humanity, who use volunteer labor for significant parts of affordable housing construction? They (their building coordinators) might have some good comments on how to minimize costs for affordable housing.

B The application makes reference to citizen involvement via the CIT Facilitators. I would appreciate knowing who these people are and how many citizens provided input, along with the substance of their

input. I raise this issue because to my knowledge, the system of CITs has been abandoned by Tigard in favor of a comprehensive website, various mass mailings and email lists. I have suggested in various forums that neighborhood planning associations be a strong component of the Tigard citizen involvement effort. The comprehensive plan identifies such associations, but none exist or are recognized by the city.

C The Comp Plan implementing strategy for management of housing stock in Tigard (Section 6.1.1, Strategy 1) requires an annual 'land survey'. I suggest this strategy be modified to require that this land survey include all the urban planning areas associated with Tigard as well as the area with the city proper. This is important because if and when annexation is considered, Tigard should have long record of constructive planning effort for the areas of interest, and housing stock in these areas can strongly influence the nature of necessary upgrades upon annexation and influence the fiscal impact of annexation.

D The proposed Comp Plan amendment would change Section 6.1.1, Strategy 4 to allow manufactured homes on any residential lot in the city, regardless of zone. I suggest this be changed to state that groups of manufactured homes (greater than 10) be allowed in the city under more detailed development conditions (to be specified in this amendment or committed within a year) which would provide appropriate buffer areas between the manufactured housing development and adjacent residential areas.

E In order to assure development of affordable housing throughout the city, I suggest that a policy of the Comp Plan be added to the effect that starting on the date of enactment of this amendment, each quadrant of the city shall have its own share of affordable housing. If a quadrant (defined to include all of Tigard's urban planning areas) is lacking its share of affordable housing (ie has only one affordable housing development, when other quadrants have 2), only 4 additional development applications may be approved before approving an affordable housing development in that quadrant. This would thereby block further development in that quadrant until an affordable housing development is proposed and approved.

F The proposed amendment sets up a mechanism to abate filing costs for affordable housing developments. I suggest that the Comp Plan be further modified to state that other fees associated with affordable housing developments be abated up to a maximum of 1% of the annual city budget and in the event that demand exceeds that amount, that City Council will apportion abatement benefits among applicants. Such other fees should include water and sewer connection fees, traffic impact fees, etc.

G The proposed amendment creates a process to develop and implement a residential property maintenance code. This is fine; however for affordable housing developments, landscaping requirements of the code should be modified to require low maintenance features, thereby minimizing ongoing costs of the affordable housing development.

H Because of the importance of open space to people of all income levels, Tigard should modify its Comp Plan to require that for affordable housing developments, adjacent open space is required of the same size as the development itself, and the City of Tigard is required to accept this area as public open space.

I Finally, it occurs to me that we need a good working definition of 'affordable housing'. Is it the use of government subsidy, or is it rental value, or is it some tax status, or ?? I happen to think that Metzger already has a good amount of affordable housing, not counted in any existing 'system' of government accounting. Staff should provide a real definition for inclusion in the proposed amendment.

Sincerely,

John Frewing

**CITY OF TIGARD
PLANNING COMMISSION
Meeting Minutes
July 19, 2004**

DRAFT

1. CALL TO ORDER

President Padgett called the meeting to order at 7:00 p.m. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

2. ROLL CALL

Commissioners Present: President Padgett; Commissioners Bienerth, Buehner, Meads, and Munro

Commissioners Absent: Commissioners Caffall, Haack, and Sutton

Staff Present: Duane Roberts, Associate Planner; Julia Hajduk, Associate Planner; Jerree Gaynor, Planning Commission Secretary

3. PLANNING COMMISSION COMMUNICATIONS

- The next meeting is scheduled for August 16th.
- Eight Planning Commission applicants will be interviewed for the open and alternate positions.
- The secretary has copies of the Government Standards & Practices training .
- President Padgett wants to have a workshop on planned developments in September.
- President Padgett reminded the Commissioners about the Bull Mountain Annexation hearing on July 27th. Commissioners may testify as individuals, not as representatives of the Planning Commission.
- Discussion was held on meeting attendance.

4. APPROVE MEETING MINUTES

It was moved and seconded to accept the June 21, 2004 meeting minutes as submitted. The motion passed by a vote of 4-0. Commissioner Buehner abstained.

5. PUBLIC HEARING

5.1 COMPREHENSIVE PLAN AMENDMENT (CPA) 2004-00002 AFFORDABLE HOUSING CODE AMENDMENT

REQUEST: The City of Tigard proposes to amend Chapter 6, Housing, of Volume II of the Tigard Comprehensive Plan in order to facilitate the provision of affordable housing within the community and to provide additional evidence of Metro Title 7 compliance. **LOCATION:** Citywide. **ZONE:** N/A. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Policies 1, 2, 6 and 12; Statewide Planning Goals 1, 2 and 10; and Metro Functional Plan Titles 1, 7 and 8.

STAFF REPORT

Associate Planner Duane Roberts presented the staff report on behalf of the City. He noted that these are housekeeping amendments to the Housing Chapter of the Comprehensive Plan – there are no new affordable housing policies or implementation measures proposed. The purpose of the amendments is to update the Housing Chapter of the Comp Plan and to demonstrate Metro Title 7 compliance. Roberts highlighted the proposed amendments and asked the Commission to make a recommendation of approval to Council.

Commissioner Buehner asked if these amendments might be changed with the upcoming Comprehensive Plan update. Roberts did not foresee any major, mandatory changes to the Housing Chapter with the Comp Plan update.

Commissioner Meads asked about density bonuses. Roberts said that the Council considered density bonuses for affordable housing, but did not adopt the code.

Commissioner Meads asked about items mentioned in a letter from John Frewing (Exhibit A). Roberts answered that he responded to the letter. He said Frewing was not aware of the existing adopted Affordable Housing Program. With regard to ensuring that affordable housing is dispersed, Roberts noted that we have an agreement with Washington County about location of affordable housing.

Discussion was held on manufactured housing. It was noted that we are bound by state laws regarding placement of manufactured houses.

PUBLIC TESTIMONY

None

PUBLIC HEARING CLOSED

Commissioner Buehner moved to recommend approval to Council of CPA 2004-00002, based on findings in the staff report and discussion held during the public hearing. Commissioner Bienerth seconded the motion. The motion passed unanimously.

6. GOAL 5 WORKSHOP

Associate Planner Julia Hajduk handed out copies of a PowerPoint presentation (Exhibit B). She noted that the objective of Goal 5 is to improve the overall environmental health of the Tualatin River basin. She went over the presentation with the Commission, advising that we are now in step 3 of the action plan.

Hajduk advised that it has not been decided who will determine the 50% of mitigation. The concept will be presented at the public hearing. After that time, the Basin Partners will work on the details. She also advised that mitigation standards

and ratios have not been defined as yet. She noted that Goal 5 regulations would be for habitat outside of Clean Water Services buffer areas.

Hajduk said the current Development Code standards would have to be reviewed for any obstacles to new Goal 5 regulations. Discussion was held on the mitigation process and non-regulatory elements.

Hajduk noted the open house and public hearing schedule. The coordinating committee will make its decision on August 16th.

Commissioner Buehner asked about 2 particular parcels that are located in moderately and strictly limit areas. Hajduk drew out some possible ways the parcels could be developed.

Hajduk advised that all property owners in a resource area were sent a notice about the Goal 5 process.

7. OTHER BUSINESS

None

8. ADJOURNMENT

The meeting adjourned at 8:20 p.m.

Jerree Gaynor, Planning Commission Secretary

ATTEST: President Mark Padgett

Exhibit
A**Duane Roberts - Comp Plan Amendment for Affordable Housing**

From: "John Frewing" <jfrewing@teleport.com>
To: "Duane Roberts" <DUANE@ci.tigard.or.us>
Date: 7/10/2004 3:39 PM
Subject: Comp Plan Amendment for Affordable Housing
CC: "Jim Hendryx" <jimh@ci.tigard.or.us>, "Bill Monahan" <bill@ci.tigard.or.us>, "Mayor MAYOR" <MAYOR@ci.tigard.or.us>, "Alice Gaut" <aeg@csgpro.com>, "Lisa Hamilton-Treick" <Lisa@HamiltonRealtyGroup.com>, "Sue Beilke" <sbeilke@europa.com>, "Brian Wegener" <brian@tualatinriverkeepers.org>

July 10, 2004

Duane Roberts
 City of Tigard

Dear Duane:

On Friday I reviewed the file of CPA 2004 – 00002 regarding a comprehensive plan amendment to facilitate the provision of affordable housing within Tigard. You appear to be the staff person carrying this amendment for city approval. I submit my comments as input to your preparation and the Planning Commission in their recommendation to City Council and I would appreciate a brief reply that they indeed have been forwarded and included in the record:

A I didn't see any notes of the pre-application meeting in the file. Such is required by TCDC 18.390.060.A. These notes are important in order to determine what alternatives were considered and what input from interest groups may be influencing the city action. For example, has the city sought comments from Habitat for Humanity, who use volunteer labor for significant parts of affordable housing construction? They (their building coordinators) might have some good comments on how to minimize costs for affordable housing.

B The application makes reference to citizen involvement via the CIT Facilitators. I would appreciate knowing who these people are and how many citizens provided input, along with the substance of their input. I raise this issue because to my knowledge, the system of CITs has been abandoned by Tigard in favor of a comprehensive website, various mass mailings and email lists. I have suggested in various forums that neighborhood planning associations be a strong component of the Tigard citizen involvement effort. The comprehensive plan identifies such associations, but none exist or are recognized by the city.

C The Comp Plan implementing strategy for management of housing stock in Tigard (Section 6.1.1, Strategy 1) requires an annual 'land survey'. I suggest this strategy be modified to require that this land survey include all the urban planning areas associated with Tigard as well as the area with the city proper. This is important because if and when annexation is considered, Tigard should have long record of constructive planning effort for the areas of interest, and housing stock in these areas can strongly influence the nature of necessary upgrades upon annexation and influence the fiscal impact of annexation.

D The proposed Comp Plan amendment would change Section 6.1.1, Strategy 4 to allow manufactured homes on any residential lot in the city, regardless of zone. I suggest this be changed to state that groups

of manufactured homes (greater than 10) be allowed in the city under more detailed development conditions (to be specified in this amendment or committed within a year) which would provide appropriate buffer areas between the manufactured housing development and adjacent residential areas.

E In order to assure development of affordable housing throughout the city, I suggest that a policy of the Comp Plan be added to the effect that starting on the date of enactment of this amendment, each quadrant of the city shall have its own share of affordable housing. If a quadrant (defined to include all of Tigard's urban planning areas) is lacking its share of affordable housing (ie has only one affordable housing development, when other quadrants have 2), only 4 additional development applications may be approved before approving an affordable housing development in that quadrant. This would thereby block further development in that quadrant until an affordable housing development is proposed and approved.

F The proposed amendment sets up a mechanism to abate filing costs for affordable housing developments. I suggest that the Comp Plan be further modified to state that other fees associated with affordable housing developments be abated up to a maximum of 1% of the annual city budget and in the event that demand exceeds that amount, that City Council will apportion abatement benefits among applicants. Such other fees should include water and sewer connection fees, traffic impact fees, etc.

G The proposed amendment creates a process to develop and implement a residential property maintenance code. This is fine; however for affordable housing developments, landscaping requirements of the code should be modified to require low maintenance features, thereby minimizing ongoing costs of the affordable housing development.

H Because of the importance of open space to people of all income levels, Tigard should modify its Comp Plan to require that for affordable housing developments, adjacent open space is required of the same size as the development itself, and the City of Tigard is required to accept this area as public open space.

I Finally, it occurs to me that we need a good working definition of 'affordable housing'. Is it the use of government subsidy, or is it rental value, or is it some tax status, or ?? I happen to think that Metzger already has a good amount of affordable housing, not counted in any existing 'system' of government accounting. Staff should provide a real definition for inclusion in the proposed amendment.

Sincerely,

John Frewing

Affordable Housing Fee Assistance Guidelines

1. Both for- and not-for-profit entities are eligible to apply for affordable housing fee assistance funds.
2. Eligible activities include affordable housing acquisition, development, and rehabilitation. Affordable housing acquisition and development will receive greater consideration than rehabilitation.
3. **High consideration will be given to projects that facilitate the dispersal of affordable housing within the City.**
3. The proposed project must be consistent with City housing policies and applicable planning and zoning standards.
4. Only units targeted to households earning at or below 50% of median income are eligible for City funds. Units targeted to households earning 60% of median income are eligible when the project includes an equal number of units serving households at or below 50% of median.
5. The organization guarantees that the housing produced or rehabilitated will maintain long-term affordability, with long-term defined as the longer of 25 years, or, if applicable, the life of any State or Federal loan used to finance the project.
6. The organization guarantees that the project will be enrolled in the City Enhanced Safety Program (ESP) and maintain ESP certification for the respective (a.) period of long-term affordability defined in guideline #5, or (b.) the life of the ESP program.
7. Council review and approval of each separate award will be required. This review will include an in-person presentation to Council by a representative of the organization making the request.
8. The time limit on the use of the funds is two years.
9. Applications for assistance will be accepted twice per year. Applications shall be submitted on forms provided by the City of Tigard.
10. The maximum amount available is \$500 per qualified unit, up to the current Social Services and Events Fund affordable housing set-aside line item balance.

AGENDA ITEM # 6
FOR AGENDA OF August 24, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Update on Planned Development Review Committee

PREPARED BY: Dick B

DEPT HEAD OK [Signature]

CITY MGR OK [Signature]

ISSUE BEFORE THE COUNCIL

Review of the Status of the Planned Development Review Committee Progress.

STAFF RECOMMENDATION

No action is necessary

INFORMATION SUMMARY

The Planned Development Review Committee was established by the City Council January 27, 2004. The members are Sue Beilke, Alice Ellis-Gaut, Ron Ellis-Gaut, John Frewing, Bill McMonagle, Charles Schwarz, David Walsh, Gretchen Buehner and Scot Sutton. The Committee's charge was to review and possibly recommend changes to the Planned Development section of the Tigard Community Development Code. Other sections of the code may require changes, however, prior authorization of the Council is required.

The Committee first met April 12, 2004. The first part of the section involved getting acquainted. At the meeting, discussion centered on a PD ordinance overview, perceptions and expectations of Planned Developments, and the process for the Committee. The Committee was provided material from the American Planning Association Planning Advisory Service regarding the intent and principles of Planned Developments. A PowerPoint presentation included the history, purpose and general concepts related to Planned Developments.

The second meeting was held May 3, 2004. The Committee discussed examples of developments and development issues. They looked at PD plans that were built or under review with comparison to traditional subdivisions. A PowerPoint presentation included issues and challenges including environmental constraints, takings and developing goals and objectives.

The third meeting was held August 9, 2004. Delay was caused by a combination of workload and a staff vacancy. At the August 9 meeting, the Committee spent a considerable amount of time discussing factors of development and issues related to development and the pitfalls of addressing some issues. Some discussion related to potential language changes to the code as well as what Planned Developments should be providing. These discussions took time that was to be allotted to taking examples of property and trying to design a PD or traditional subdivision. This activity will be revisited at the next session. A work program/tentative schedule was provided. The work program is attached.

The next meeting is scheduled for September 7, 2004. The activity relating to design of development and potential language changes will be discussed.

OTHER ALTERNATIVES CONSIDERED

Not applicable

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Community Character: #5 Develop strategies to balance the needs of new and infill development to provide protection of defined aesthetic qualities valued by those who already live and work in Tigard.

Growth and Growth Management: #1 Accommodate growth while protecting the character and livability of new and established areas.

ATTACHMENT LIST

Attachment #1: PD Committee Work Program

FISCAL NOTES

Not applicable

PD COMMITTEE WORK PROGRAM

APRIL, 2004	<ul style="list-style-type: none"> ▶ Study background of Planned Development provisions ▶ History of provisions ▶ How Utilized ▶ Assessment of provisions ▶ Relevant Comprehensive Plan policies ▶ Other issues: BM 56 notice costs, takings
MAY, 2004	<ul style="list-style-type: none"> ▶ Review examples of PD's ▶ Discussion re: development issues <ul style="list-style-type: none"> *Achieving density *Balancing conservations – goals, rules versus takings *Procedural constraints ▶ Path – Goals – Objectives - Strategies
JUNE – JULY, 2004	Work delay – staff shortage
AUGUST, 2004	<ul style="list-style-type: none"> ▶ Study examples comparing PD's with conventional development on constrained lands
SEPT. - OCT., 2004	<ul style="list-style-type: none"> ▶ Identify potential changes ▶ Define recommendation
OCT. – NOV., 2004	▶ Committee recommendation to Council
NOV. – DEC., 2004	▶ Draft ordinance and Comprehensive Plan amendment language as may be necessary
DEC. – JAN., 2005	<ul style="list-style-type: none"> ▶ Hearing notices mailed ▶ Planning Commission public hearing
FEB. – MAR., 2005	▶ City Council public hearing

AGENDA ITEM # 7
FOR AGENDA OF 8/24/07

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Review of Police DARE Summer Camp

PREPARED BY: Sheryl Huiras DEPT HEAD OK lmd CITY MGR OK YSA

ISSUE BEFORE THE COUNCIL

Review police DARE Summer Camp.

STAFF RECOMMENDATION

To continue funding for this program.

INFORMATION SUMMARY

Staff will present council with a summary of our DARE Summer Camp program. Tigard Police DARE Summer Camp is based on the concepts of DARE and GREAT, which is to provide youth with alternatives other than drugs and gangs. We have been doing DARE Camp since 1998.

The DARE Summer Camp Program provides opportunity for many students to enhance their social skills, make youth aware of alternatives to drug and gang involvement; increase positive relationships with adults and youth; build self-esteem and confidence; encourage community service; and provide opportunities for social, cognitive and interpersonal growth.

Daily camp activities include classroom lessons, concept games, life-skills activities, community service projects, guest presentations, reading, and arts and crafts. DARE Summer Camp uses Project Adventure and AWANA games which provide students an opportunity to work cooperatively, challenge themselves in a supportive environment, improve their self-esteem and learn creative approaches to problem solving. Students from diverse backgrounds learn to work together and value each other and their differences. DARE Summer Camp staff include several bicultural and/or bilingual translators

The DARE Summer Camp Program starts 2 weeks after school is out and consists of five (5) one week long camps, each camp serving over 60 students. The camp is held at a local elementary school and runs from 9:00am – 3:00 pm. DARE Summer Camp include DARE Officers and School Resource Officers, a grade school teacher, college coordinators and approximately 50 high school students.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Schools and Education –

Goal #1: Schools, city government, and other service providers, successfully work together to provide a community based recreation activity program for young people.

Strategy #1: Identify community resources for supporting/providing recreation and activity program for young people.

ATTACHMENT LIST

None

FISCAL NOTES

The cost budget for 5 different camps, 1 week long each, is \$21,000.00. Last year we did receive a grant from ATF for \$23,467.00 for camp and we did use all the grant money. We have applied again this year for the grant, but haven't heard whether we will be awarded the funding.

AGENDA ITEM # 8
FOR AGENDA OF August 24, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Conduct a Public Hearing on the Challenge of the Bull Mountain Annexation Ballot Measure for the November 2, 2004, Election

PREPARED BY: Jane McGarvin DEPT HEAD OK _____ CITY MGR OK Bill Monahan

ISSUE BEFORE THE COUNCIL

Shall the City Council, after hearing a challenge or challenges to the Ballot Title, certify the Bull Mountain Annexation Ballot Title for the November 2, 2004 election?

STAFF RECOMMENDATION

Conduct the public hearing on the challenge to the ballot title concerning the proposal to submit the Bull Mountain Annexation to the voters on November 2, 2004. There has been one challenge received, there may be more by the August 19 deadline.

INFORMATION SUMMARY

On Tuesday, August 10, 2004, the Tigard City Council adopted Resolution 04-60, adopting the ballot title to place the Bull Mountain Annexation on the November 2, 2004 Election. The Tigard Municipal Code (TMC) Section 1.12.030 states,

“Any elector dissatisfied with a ballot title filed with the City Elections Officer by the City Attorney or the City governing body, may petition the City Council seeking a different title and stating the reasons the title filed is insufficient, not concise or unfair. The petition shall be filed with the City Elections Officer not later than the seventh business day after the title is filed with the City Elections Officer. The City Council shall review the title and measure to be initiated or referred, hear arguments, if any, and certify to the City Elections Officer a title for the measure which meets the requirements of ORS 250.035 and 250.039. The review by the City Council shall be the first and final review, and shall be conducted expeditiously to insure the orderly and timely circulation of the petition or conduct of the election at which the measure is to be submitted to the electors.

The Tigard City Elections Officer has received one challenge to the Ballot Title concerning the proposal to submit the Bull Mountain annexation to the voters at the November 2, 2004 election; there may be more received by the deadline of August 19, 2004 at 5 p.m.

On Tuesday, August 24, 2004 at 7:30 p.m. in the Town Hall, 13125 SW Hall Boulevard, Tigard, Oregon, the Tigard City Council will hold a public hearing regarding any challenge(s) of the ballot title. The City Council's decision will be final.

OTHER ALTERNATIVES CONSIDERED

1. Deny the challenge(s), and direct the City Elections Officer to certify the Ballot Title.
2. Amend the Ballot Title, and direct the City Elections Officer to certify the Ballot Title.
3. Delay consideration of the challenge.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth and Growth Management – Goal #2 – Urban services are provided to all citizens within Tigard's urban growth boundary and recipients of services pay their share. Strategy #1 – Adopt criteria that outlines when and under what circumstances areas on Bull Mountain will annex.

ATTACHMENT LIST

1. Resolution 04-60
Exhibit A – Map of the area proposed for annexation.
Exhibit B – Explanatory statement to be submitted to Washington County for the Voters Pamphlet.
2. Memo from Henry Kane challenging the Ballot Title

FISCAL NOTES

If the election is held at the November 2, 2004 election, there will not be any cost to the City of Tigard.

In the event this ballot measure is put on a different election date, the City of Tigard will need to pay its proportionate share of the costs for the election, which will be determined by the number of measures filed by other jurisdictions in Washington County.

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIGARD SUBMITTING THE PROPOSED ANNEXATION OF BULL MOUNTAIN AREAS TO THE VOTERS OF THE CITY OF TIGARD AND TO VOTERS IN THE AREA PROPOSED TO BE ANNEXED

WHEREAS, a public hearing was held July 27, 2004, to receive public input on the proposed annexation of the Bull Mountain area to the City of Tigard, with additional written materials received until August 3, 2004; and

WHEREAS, the City Council, after the public hearing, consideration of the additional written materials, and deliberation on August 10, 2004, has decided to submit the proposed annexation to the voters for their approval; and

WHEREAS, the area proposed for annexation is within the Urban Growth Boundary and within Tigard Urban Service Area Boundary; and

WHEREAS, the Urban Planning Area Agreement between the City of Tigard and Washington County identifies the City of Tigard as the logical provider of urban services to unincorporated Bull Mountain; and

WHEREAS, the Tigard Urban Service Provider Agreement between Washington County, the City of Tigard, and districts that provide urban services in the area to be annexed contemplates annexation of the unincorporated Bull Mountain area by the City of Tigard;

WHEREAS, the Tigard City Council has decided that it will count the votes from within the existing city limits separately from the votes from within the area to be annexed (double majority);

WHEREAS, the Tigard City Council has determined that property taxes for the area to be annexed can be phased-in over a three year period without affecting the ability of the City to provide services within the City or in the area to be annexed;

WHEREAS, after a public hearing on August 10, 2004 and due consideration, the Tigard City Council decided to approve the ballot measure for annexation of the Bull Mountain area as described below;

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: An election is hereby called in and for the City of Tigard and the area proposed for annexation for the purpose of submitting to the legal voters the following question:

Shall unincorporated Bull Mountain be annexed to Tigard?

SECTION 2: Tuesday, November 2, 2004, is hereby designated as the date for holding the election for the purpose of voting on the measure as stated in the above paragraph.

SECTION 3: The election will be conducted by the Washington County Elections Department.

SECTION 4: The precincts for said election shall be and constitute all of the territory included within the corporate limits of the City of Tigard and within the area proposed for annexation as shown in the attached map (Exhibit A). The election shall be conducted under the double majority provisions of ORS 222.

SECTION 5: The ballot title to appear on the ballots shall be:

CAPTION

Annexation by Tigard of Bull Mountain areas.

QUESTION

Shall unincorporated Bull Mountain be annexed to Tigard?

SUMMARY

Approval would annex the following territory to Tigard effective July 1, 2005:

North of center of Beef Bend Road to 150th Ave.; East of center of 150th Ave.; North of south line of French Prairie and Meyer's Farm subdivisions to southerly extension of west line of The Woods subdivisions; East of west line of Kerron's Crest, Tuscany, The Woods subdivisions, and the southerly extension of west line of The Woods subdivisions to westerly extension of

south line of Meyers Farm; South of SW Barrows Road to BPA power lines; West of BPA power lines to north line of High Tor subdivisions; South of north line of High Tor subdivisions; West of east boundary of High Tor subdivisions; South of city limits.

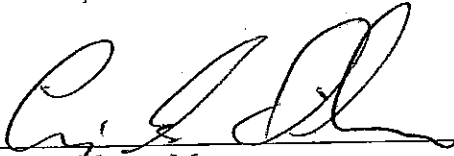
Property taxes in annexed area would be: FY05-06: 50% of City's rate, FY06-07: 75%, 100% thereafter.

SECTION 6: The Council adopts the Explanatory Statement for the measure that is attached to this Resolution (Exhibit B).

SECTION 7: The City Recorder and other staff shall take all necessary steps to effectuate this resolution.

SECTION 8: This resolution is effective immediately upon passage.

PASSED: This 10th day of August, 2004.

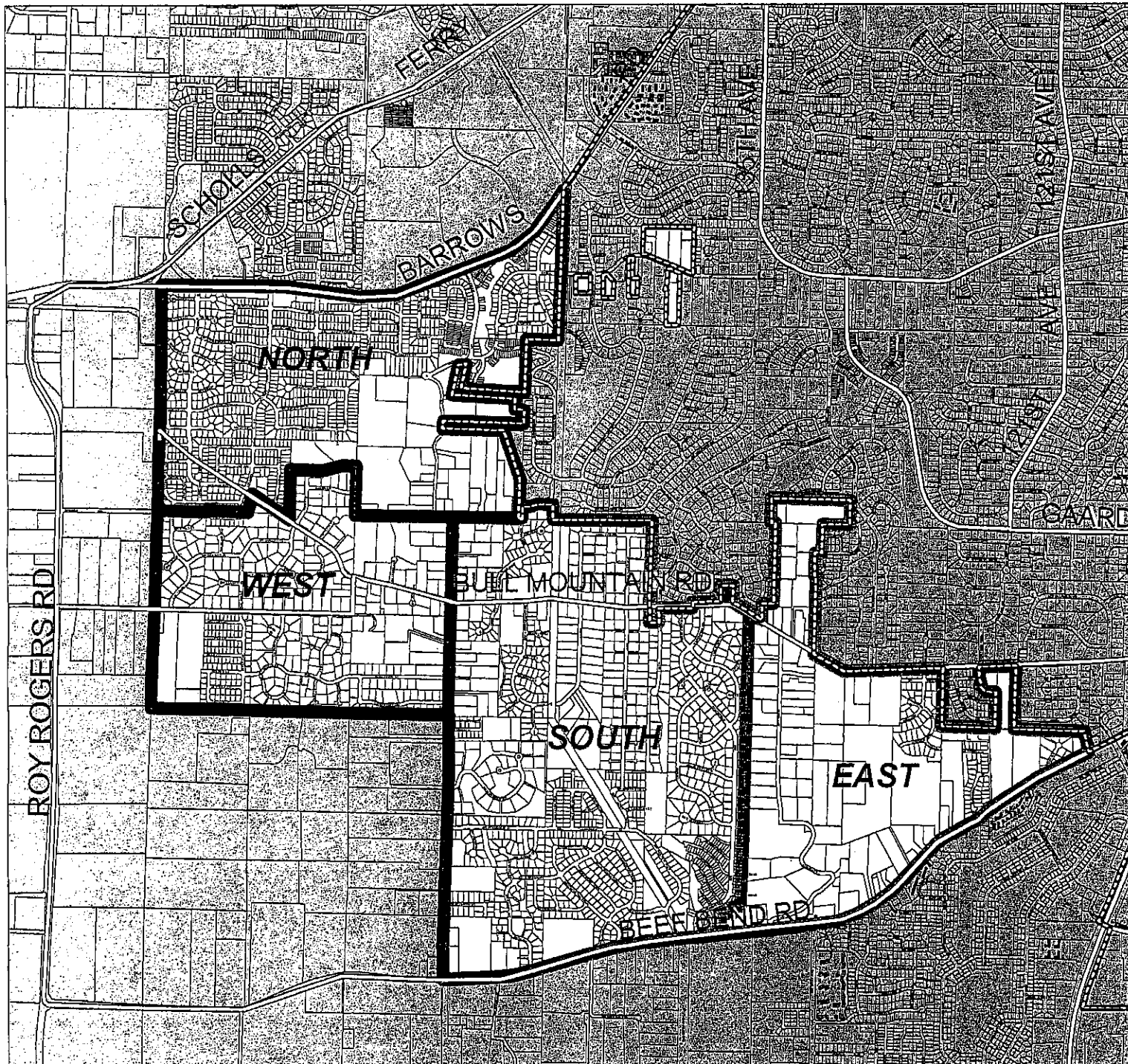


Craig Dirksen, Mayor

ATTEST:





Jane McGarvin, Deputy City Recorder

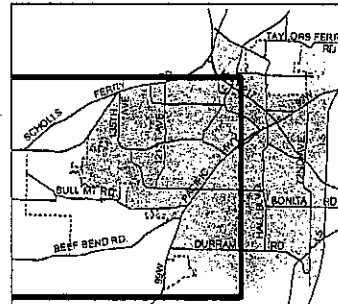



CITY of TIGARD
GEOGRAPHIC INFORMATION SYSTEM

BULL MOUNTAIN
Annexation Plan Area


 Tigard City Limits

 Annexation Plan Area


Tigard Area Map

 N

0 1000 2000 3000 Feet
1" = 2000 feet


City of Tigard

Information on this map is for general location only and should be verified with the Development Services Division.
13125 SW Hall Blvd
Tigard, OR 97223
(503) 639-4171
<http://www.ci.tigard.or.us>

Produced: August 11th 2004

This measure, if approved in both the City and in the area proposed for annexation, would annex the unincorporated Bull Mountain area into Tigard effective July 1, 2005, and withdraw the area from the Tigard Water District, Washington County Street Lighting District, Washington County Enhanced Sheriff's Patrol District, and the Urban Road Maintenance District. The area is within the UGB.

The area includes areas west of the existing City limits, north of Beef Bend, south of Barrows. The area does not include UGB expansion areas 63 and 64.

Property owners in the unincorporated Bull Mountain would no longer pay for county special service districts such as road maintenance, Enhanced Sheriff's Patrol, and street light maintenance.

City property taxes for the area to be annexed would be phased in over three years. City property taxes in the area proposed for annexation for the first year after annexation (fiscal year 2005-06) would be set at 50% of the City's tax rate; City property taxes for the second year (fiscal year 2006-07) would be set at 75% of the City's tax rate, and City property taxes for all later years would be at 100% of the City's rate.

Annexation would result in a property tax increase of approximately 8.3% to 8.4% within the area to be annexed, based on the amount payable in the third year after annexation. Property owners within the area to be annexed would begin paying property taxes to the City of Tigard, but would stop paying some property taxes to Washington County. Property with an assessed value of \$250,000 would experience a net property tax increase of \$317 in the third year. The area would be subject to the City's street maintenance fee on annexation. Other charges may also increase. The annexation would create an increase in revenue to the City of Tigard, but the City would have higher operating costs. Increased revenue to the City includes additional state shared revenues, system development charges, traffic impact fees, franchise fees and property taxes. Property taxes for existing City property owners will not increase as a result of this annexation.

Annexation of the Bull Mountain area would not impact service levels for existing city residents. The City would become responsible for capital improvements in the Bull Mountain area.

Newly annexed residents would receive:

1. More police officers per 1000 population. Shorter emergency response times. More police resources committed to youth and prevention programs.
2. Broader civic participation and voting power in the affairs of the City of Tigard.
3. A program to provide more traffic calming programs.
4. Road maintenance improvements including roadside mowing and more frequent maintenance on roads where jurisdiction is transferred from Washington County to the City of Tigard.

5. Park system planning, land acquisition and park development.
6. Improved Code enforcement services.

Newly annexed residents and existing City residents would be involved in updating the Comprehensive Plans for both the City and the Bull Mountain areas.

Henry Kane
12007 SW Camden Lane
Beaverton, Oregon 97008
503.643-4054

EXPEDITED CONSIDERATION SUGGESTED

August 12, 2004

Mayor Craig Dirksen
and Councilors
Tigard City Council
City Manager Bill Monahan
City Attorney Tim Ramis

RECEIVED

AUG 12 2004
3:59 PM
CITY OF TIGARD
BUILDING DIVISION
Jane M. Brown

Re: Objections to failure of the Tigard City Council to conduct a public hearing as advertised, to receive testimony on the ballot title for Tigard's election on annexation of unincorporated Bull Mountain territory to Tigard

ORS 250.296 sets forth the "Procedure for elector dissatisfaction with title of city measure."

Opponent Kane reserves the right to file an ORS 250.296(1) petition "not later than the seventh business day after the title is filed with the city's election officer."

Sirs:

Recommendation

The Tigard City Council should, at a special meeting no later than Tuesday, August 17, 2004 to cancel Resolution to 04-60, then adopt an amended or new ordinance containing a ballot title complying with ORS 250.035 and ORS 222.130:

"(1) * * * Notwithstanding OS 250.035, the statement summarizing the measure and its major effect shall not exceed 150 words."
(emphasis added)

The Tigard City Council may decide to cancel the annexation election, then start fresh and produce factually and legally adequate legal notices, staff report, Annexation Plan, and annexation ballot title.

Facts and Law in Support of Objections

Attached to this document is a true copy of City of Tigard Resolution 04-06, dated August 10, 2004.

Exhibit B to Resolution 04-60 is the "Summary." The summary, without the incomplete metes and bounds legal description, exceeds 150 words.

Subject to more legal research, I submit that the legal description of the territory to be annexed is not part of the 150-word summary.

A three-page document I found in City annexation plan files indicates the metes and bounds of the proposed Bull Mountain is much longer than the legal description in the summary part of the ballot title.

To reduce repetition, I incorporate by this reference my oral testimony on August 10, 2004, and attached August 10, 2004 written testimony re: "Illegal published notice of ballot title for Bull Mountain annexation election." It bears the August 10, 2004 RECEIVED stamp of the City of Tigard Building Division.

I testified at the August 10, 2004 "public hearing" on the proposed ballot title that I could not testify on validity of the proposed ballot title when the "NOTICE OF PUBLIC HEARING PROPOSED CITY OF TIGARD BALLOT MEASURE FOR THE NOVEMBER 2, 2004 ELECTION" does not contain a ballot title.

The notice published August 5, 2004 states:

"The Tigard City Council will conduct a public hearing to receive comments from voters on a proposed ballot measure * * *." (emphasis added)

The public hearing was not on the merits or demerits of the proposed annexation because the opportunity to offer written testimony expired August 3, 2004.

I testified at the August 10, 2004 public hearing on the "ballot title" that I was not able to comment on the ballot title caption, question, and summary statement because the notice did not contain the ballot title caption, question, or summary statement.

My understanding is that the Tigard City Council has scheduled a public hearing August 25, 2004 on the annexation ballot title.

That would be a waste of time because under date of August 10, 2004, Mayor Dirksen signed the attached copy of Resolution No. 04-60:

**"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIGARD
SUBMITTING THE PROPOSED ANNEXATION OF BULL MOUNTAIN
AREAS TO THE VOTERS OF THE CITY OF TIGARD AND TO VOTERS
IN THE AREA PROPOSED TO BE ANNEXED."**

City of Tigard Resolution No. 04-60, starting at page 4, states:

"SECTION 5 The ballot title to appear on the ballot shall be:

"CAPTION * * *

"QUESTION * * *

"SUMMARY * * *"

I did not receive a copy of what became said Resolution 04-60 before the August 10, 2004 public hearing hence was not able to testify on proposed ballot title deficiencies and to offer suggestions for complying with ORS 250.035, the ballot title law prescribing and mandating the contents of the ballot title in said Resolution 04-60.

Parenthetically, Tigard might wish to adopt the substance of the following City of Beaverton procedure for giving advance notice of staff reports and other documents the Beaverton City Council will consider at a council meeting:

The preliminary and then final agenda, plus staff reports and proposed ordinances, resolutions, and other documents the City Council will receive, consider and act on, is made available inside the entrance to the Office of the Mayor on the third floor of the Beaverton City Hall.

Anyone can order copies of said documents before the council meeting.

--

Had I received what became said Resolution 04-60 before the hearing, I would have been able to offer at least some of the following objections:

The legal description is insufficient as a matter of law

The summary does not disclose that reduced property taxes from annexed Bull Mountain for two years after annexation, while providing city services to the annexed area, would materially reduce services to pre-annexation City of Tigard homeowners and other residents and businesses.

Therefore, the summary errs in claiming that "Annexation of the Bull Mountain area would not impact service levels for existing residents."

The summary admits that "The City would become responsible for capital improvements in the Bull Mountain area," but does not disclose the millions of dollars pre-annexation property owners would pay for capital improvements in the annexed area.

The hearing record, staff report and July 14, 2004 Annexation Plan do not support the claim that "Property taxes for existing City property owners will not increase as a result of this annexation."

The summary does not disclose that annexed Bull Mountain home owners would pay property taxes to pay principal and interest on Tigard's library bond issue

The hearing record, staff report and July 14, 2004 Annexation Plan do not support either of the following summary claims:

"Annexation would result in a property tax increase of approximately 8.3% to 8.4% within the area to be annexed, based on the amount payable in the third year of annexation."

"Property with an assessed value of \$250,000 would experience a net property tax increase of \$317 in the third year."

The hearing record and staff report and July 14, 2004 Annexation Plan do not support post-hearing claims that:

"Newly annexed residents would receive:

"1. More police officers per 1000 population. Shorter emergency response times. More police resources committed to youth and prevention programs. * * *

"3. A program to provide more traffic calming programs.

[Attached to this document is a true copy of the August 12, 2004 Oregonian article titled "Sheriff wins accreditation for department."

[The hearing record demonstrates that the Tigard Police Department is under-staffed and under-funded, and therefore the City of Tigard has the highest reported FBI crime rate in the region with the exception of the City of Portland.]

"4. Road maintenance improvements including roadside mowing and more frequent maintenance on roads where jurisdiction is transferred from Washington County to the City of Tigard.

"5. Park system planning, land acquisition, and park development.

"6. Improved Code enforcement service."

The summary errs in claiming:

"Newly annexed residents and existing City residents would be involved in updating the Comprehensive Plans for * * * the Bull Mountain area."

The above-quoted claim is contradicted by the first page of the attached 11/26/98 "Chapter 18.320 / ANNEXATIONS," Section 18.320.C. It states that City of Tigard Comprehensive Plan and zoning would be applied automatically when territory is annexed to Tigard:

"C. Assignment of comprehensive plan and zoning designations.

"The comprehensive plan designation and the zoning designation placed on the property shall be the City's zoning district which most closely implements the City's or County's comprehensive plan map designation,

(no paragraph)

The assignment of these designations shall occur automatically and concurrently with the annexation.

* * *" (emphasis added)

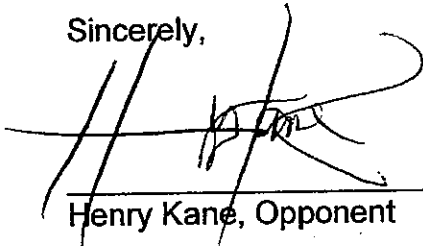
Based on my ballot title litigation experience, I am familiar with how the Secretary of State decides whether a proposed initiative or referendum measure complies with the Oregon Election Code. He relies on the legal advice of the Attorney General.

Years ago, when I was subscribing to the Secretary of State's ballot title service, I notified Secretary of State Bill Bradbury that a proposed initiative measure egregiously violated the one subject provision of the Oregon Constitution. After receiving the advice of the Attorney General, Mr. Bradbury rejected the measure I had challenged.

Subject to more legal research, I suggest that the Washington County Director of Elections, on the advice of the Washington County Counsel, has the authority to reject the City of Tigard's Bull Mountain annexation ballot title on the ground that it violates ORS 250.035 and ORS 222.130.

Please note that I am forwarding copies of this letter and attachments to Washington County Counsel Dan Olsen, and Mickie Kawai, Washington County Director of Elections, for their information and appropriate action.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Kane", is written over a horizontal line. The signature is stylized with a large, sweeping "K".

Henry Kane, Opponent

Encls

C:

Washington County Counsel Dan Olsen
Mickie Kawai, Washington County Director of Elections
media and others

TIGARD

Bull Mountain gets veto

The double-majority vote will require Tigard and Bull Mountain to approve the proposal separately

By **PATRICK HARRINGTON**
THE OREGONIAN

TIGARD — Bull Mountain voters will get to decide their own fate in November, as the Tigard City Council placed an annexation measure on the ballot.

The decision late Tuesday came after months of heated City Council testimony and accusations from vocal Bull Mountain residents that Tigard, population 44,000, was forcing the annexation on them. But after two decades of planning the annexation, councilors said Tuesday night that the city doesn't plan on stopping now.

"Bull Mountain is and has always been part of the Tigard community," Mayor Craig Dirksen said. "Everything else is just smoke and mirrors."

But just as noteworthy as the city's decision to move forward was how it would do so: voting to

pursue annexation of the unincorporated area using a double-majority voting method.

That decision is sure to come as a wake-up call for cities in Oregon seeking to annex large swaths of territory around them.

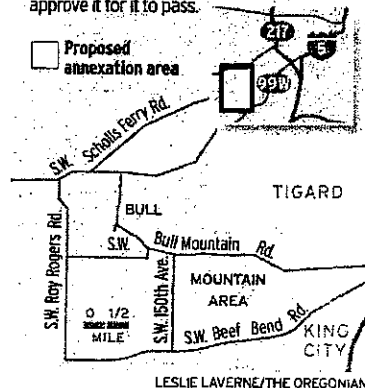
A double majority requires both communities to approve the annexation separately. That essentially gives Bull Mountain's 7,600 residents, who will have to pay higher taxes as a part of Tigard, veto power over the election even if Tigard residents vote to annex them.

For months, city officials said they had planned to use a single-majority vote on the November ballot in an attempt to bring in the 1,376-acre area. Such a method would count the votes in Tigard and Bull Mountain together.

The last-minute reversal came after lawyers for Tigard and Washington County cautioned that pursuing the single-majority vote could expose the city to litigation it might not win. Such advice resulted, to large degree, from an argument presented by attorney Larry Derr, who was hired by the Friends of Bull Mountain group. He argued

ANNEXING BULL MOUNTAIN

The Tigard City Council has approved the Bull Mountain Annexation Plan that would add 1,376 acres and more than 7,000 residents. The annexation is headed for the November ballot where city voters as well as Bull Mountain voters must separately approve it for it to pass.



that a law passed in 1997 required cities in the metro area to use a double-majority vote.

The council approved the double-majority vote Tuesday with an incentive: If voters approve the annexation in November, the city will phase in its property taxes over three years.

Councilors also rejected a bid by

power in annexation vote

King City to pursue annexation of the southern Bull Mountain area. Encouraged by Bull Mountain residents hoping to prevent annexation by Tigard, King City launched a study of a potential annexation and concluded that it would bring needed revenue to the cash-strapped retirement community.

Before deciding on the double-majority vote, councilors, while they chastised the Bull Mountain residents who had hurled insults at them during previous meetings, sought to convince them that annexation was in their best interest.

"If we could get a little help from the folks on Bull Mountain it would go faster," Councilor Nick Wilson said of the annexation, which he said was in the best interest of both communities.

City Councilor Tom Woodruff argued that annexation would give Bull Mountain residents a direct say in the democratic process.

"You are going to be owners of the city," he said.

Those who had hoped the city would use the double-majority vote all along met the decision with glee and skepticism.

"I think they put the best face on it that they could," said Bull Mountain resident Dick Franzke, a lawyer who had threatened the city with legal action. "I think it was pretty transparent that they had their nose bloodied, and rather than go down for the count in front of everyone they found a graceful way out."

Washington County administrator Charles Cameron said he was surprised at how the legal environment seemed to change late in the process.

"I was disappointed that it came up late," Cameron said. "This whole process has been a roller coaster from the beginning."

Cameron said he thought the legal conflicts leading to the reversal were unintended.

"Most people agree that the potential conflict between the statutes was inadvertent," he said.

Cameron said, however, he did not believe that the single majority vote should be the only way to pursue an annexation.

"I think there needs to be multiple tools," he said, adding that there was still a lot of time before

November to persuade voters in Bull Mountain to approve the annexation.

Meanwhile, Tigard's reversal had already begun to catch the attention of residents in other communities fearing annexation from nearby cities.

Steve Lawhead, who lives in the Rosewood neighborhood near Lake Oswego, said he had feared a single-majority annexation.

"A lot of these cities are trying to get as much land as they can, and there are a lot of people out there that don't want to be part of the city," he said. "I don't want to get a permit anytime I turn around to trim a tree or paint my house."

Lake Oswego Mayor Judie Hammerstad said that while the city had not settled on such a vote and did not want to bring in angry citizens, she wanted to see how Tigard's annexation bid played out.

"It's nice that Tigard has been sort of the lightning rod. ... Getting burned on that sort of thing is not fun," she said.



Patrick Harrington: 503-294-5968;
pharrington@news.oregonian.com

Sheriff wins accreditation for department

Washington County Sheriff Rob Gordon says his office needed standards to lift professionalism

By JOHN SNELL
THE OREGONIAN

HILLSBORO — The Washington County Sheriff's Office has won national accreditation.

It is the first sheriff's office in the state to be accredited. It's also the largest law enforcement agency in Oregon to receive the distinction.

The department had worked for three years to become accredited by the Commission on Accreditation for Law Enforcement Agencies, based in Fairfax, Va.

The group assesses police agencies to determine whether they meet national standards in the way they operate.

Accreditation is generally thought of as a means of improv-

ing the professionalism of an agency while reducing its potential civil liability in court.

It is fairly common among East Coast law enforcement agencies, commission representatives have said. It is not yet as common among West Coast police agencies.

"You have to go back to our history and look at what brought us to this," Sheriff Rob Gordon said.

During an 11-month period in 2000, sheriff's deputies allowed a confessed rapist to escape after a court appearance, turned away a woman wanted in connection with a high-profile homicide case and let a handcuffed man escape from the back seat of a patrol car.

"As we researched those events," Gordon said, "we looked to get to the base cause."

The problem, he said, was that too often the department lacked professional standards to guide it.

"I found that if you can model practices and training on national standards and hold people ac-

countable to them," he said, "the product will improve."

The Sheriff's Office wrote policies covering 444 areas of its routine business — from office procedures to the way prisoners are taken to and from jail.

Gordon emphasized that the commission told the department only that it needed policies in certain areas. It didn't tell them what the policies should be.

Gordon said accreditation will help the department be more professional. Departments with set standards aren't as likely to have people creating procedures on the fly.

Gordon said he thinks such accreditation is the wave of the future.

"I would bet that within the next decade, you'll see all the agencies in the Portland area become accredited," he said.



John Snell: 503-294-5949;
johnsnell@news.oregonian.com

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIGARD SUBMITTING THE PROPOSED ANNEXATION OF BULL MOUNTAIN AREAS TO THE VOTERS OF THE CITY OF TIGARD AND TO VOTERS IN THE AREA PROPOSED TO BE ANNEXED

WHEREAS, a public hearing was held July 27, 2004, to receive public input on the proposed annexation of the Bull Mountain area to the City of Tigard, with additional written materials received until August 3, 2004; and

WHEREAS, the City Council, after the public hearing, consideration of the additional written materials, and deliberation on August 10, 2004, has decided to submit the proposed annexation to the voters for their approval; and

WHEREAS, the area proposed for annexation is within the Urban Growth Boundary and within Tigard Urban Service Area Boundary; and

WHEREAS, the Urban Planning Area Agreement between the City of Tigard and Washington County identifies the City of Tigard as the logical provider of urban services to unincorporated Bull Mountain; and

WHEREAS, the Tigard Urban Service Provider Agreement between Washington County, the City of Tigard, and districts that provide urban services in the area to be annexed contemplates annexation of the unincorporated Bull Mountain area by the City of Tigard;

WHEREAS, the Tigard City Council has decided that it will count the votes from within the existing city limits separately from the votes from within the area to be annexed (double majority);

WHEREAS, the Tigard City Council has determined that property taxes for the area to be annexed can be phased-in over a three year period without affecting the ability of the City to provide services within the City or in the area to be annexed;

WHEREAS, after a public hearing on August 10, 2004 and due consideration, the Tigard City Council decided to approve the ballot measure for annexation of the Bull Mountain area as described below;

RESOLUTION NO. 04 - 60

Page 1

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: An election is hereby called in and for the City of Tigard and the area proposed for annexation for the purpose of submitting to the legal voters the following question:

Shall unincorporated Bull Mountain be annexed to Tigard?

SECTION 2: Tuesday, November 2, 2004, is hereby designated as the date for holding the election for the purpose of voting on the measure as stated in the above paragraph.

SECTION 3: The election will be conducted by the Washington County Elections Department.

SECTION 4: The precincts for said election shall be and constitute all of the territory included within the corporate limits of the City of Tigard and within the area proposed for annexation as shown in the attached map (Exhibit A). The election shall be conducted under the double majority provisions of ORS 222.

SECTION 5: The ballot title to appear on the ballots shall be:

CAPTION

Annexation by Tigard of Bull Mountain areas.

QUESTION

Shall unincorporated Bull Mountain be annexed to Tigard?

SUMMARY

Approval would annex the following territory to Tigard effective July 1, 2005:

North of center of Beef Bend Road to 150th Ave.; East of center of 150th Ave.; North of south line of French Prairie and Meyer's Farm subdivisions to southerly extension of west line of The Woods subdivisions; East of west line of Kerron's Crest, Tuscany, The Woods subdivisions, and the southerly extension of west line of The Woods subdivisions to westerly extension of

south line of Meyers Farm; South of SW Barrows Road to BPA power lines; West of BPA power lines to north line of High Tor subdivisions; South of north line of High Tor subdivisions; West of east boundary of High Tor subdivisions; South of city limits.


Property taxes in annexed area would be: FY05-06: 50% of City's rate, FY06-07: 75%, 100% thereafter.

SECTION 6: The Council adopts the Explanatory Statement for the measure that is attached to this Resolution (Exhibit B).

SECTION 7: The City Recorder and other staff shall take all necessary steps to effectuate this resolution.

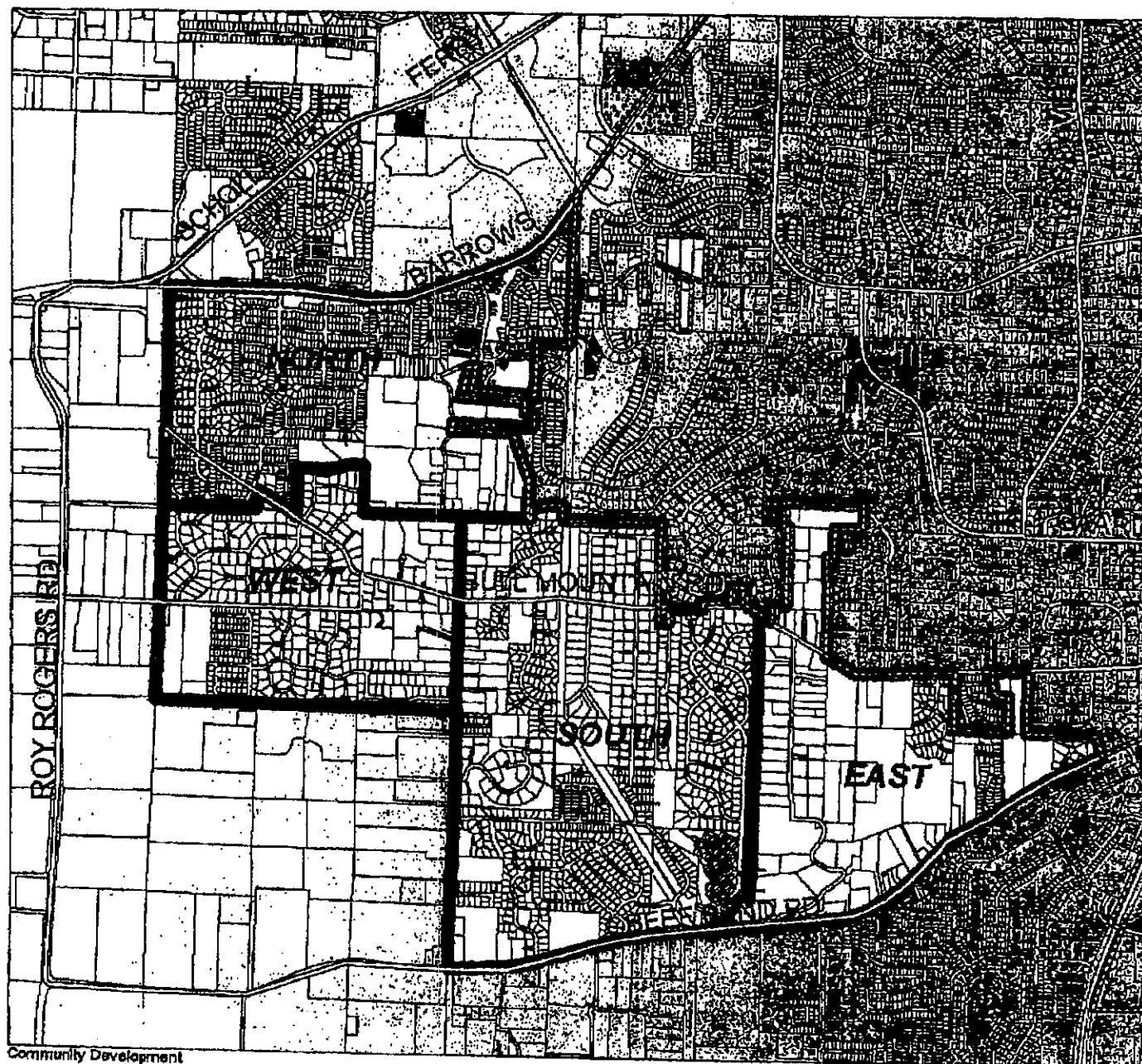
SECTION 8: This resolution is effective immediately upon passage.

PASSED: This 10th day of August, 2004.


Craig Dirksen, Mayor

ATTEST:


Jane McGarvin, Deputy City Recorder



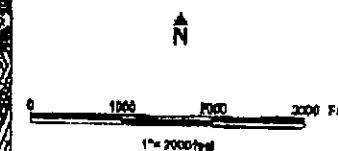
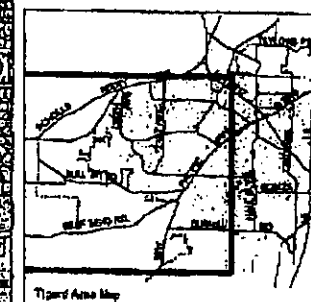
Community Development

GEOGRAPHIC INFORMATION SYSTEM

BULL MOUNTAIN Annexation Plan Area

 Tigid City Limits

 Annexation Plan Area



Information on this map is for general location only and should be verified with the Development Services Division.
13128 SW 1st Blvd
Tigid, OR 97223
(503) 696-4171
<http://www.ci.tigid.or.us>

Produced: August 11th 2004

EXHIBIT A

This measure, if approved in both the City and in the area proposed for annexation, would annex the unincorporated Bull Mountain area into Tigard effective July 1, 2005, and withdraw the area from the Tigard Water District, Washington County Street Lighting District, Washington County Enhanced Sheriff's Patrol District, and the Urban Road Maintenance District. The area is within the UGB.

The area includes areas west of the existing City limits, north of Beef Bend, south of Barrows. The area does not include UGB expansion areas 63 and 64.

Property owners in the unincorporated Bull Mountain would no longer pay for county special service districts such as road maintenance, Enhanced Sheriff's Patrol, and street light maintenance.

City property taxes for the area to be annexed would be phased in over three years. City property taxes in the area proposed for annexation for the first year after annexation (fiscal year 2005-06) would be set at 50% of the City's tax rate; City property taxes for the second year (fiscal year 2006-07) would be set at 75% of the City's tax rate, and City property taxes for all later years would be at 100% of the City's rate.

Annexation would result in a property tax increase of approximately 8.3% to 8.4% within the area to be annexed, based on the amount payable in the third year after annexation. Property owners within the area to be annexed would begin paying property taxes to the City of Tigard, but would stop paying some property taxes to Washington County. Property with an assessed value of \$250,000 would experience a net property tax increase of \$317 in the third year. The area would be subject to the City's street maintenance fee on annexation. Other charges may also increase. The annexation would create an increase in revenue to the City of Tigard, but the City would have higher operating costs. Increased revenue to the City includes additional state shared revenues, system development charges, traffic impact fees, franchise fees and property taxes. Property taxes for existing City property owners will not increase as a result of this annexation.

Annexation of the Bull Mountain area would not impact service levels for existing city residents. The City would become responsible for capital improvements in the Bull Mountain area.

Newly annexed residents would receive:

1. More police officers per 1000 population. Shorter emergency response times. More police resources committed to youth and prevention programs.
2. Broader civic participation and voting power in the affairs of the City of Tigard.
3. A program to provide more traffic calming programs.
4. Road maintenance improvements including roadside mowing and more frequent maintenance on roads where jurisdiction is transferred from Washington County to the City of Tigard.

5. Park system planning, land acquisition and park development.
6. Improved Code enforcement services.

Newly annexed residents and existing City residents would be involved in updating the Comprehensive Plans for both the City and the Bull Mountain areas.

FILE

Henry Kane
12077 SW Camden Lane
Beaverton, Oregon 97008
503.643-4054

RECEIVED

AUG 10 2004

CITY OF TIGARD
BUILDING DIVISION

James H. Hawn

August 10, 2004

Hon. Craig Dirksen, Mayor
and Councilors
Tigard City Council
City Manager Bill Monahan
City Attorney Timothy Ramis

Re: Illegal published notice of ballot title for Bull Mountain annexation election

Sirs:

Attached is the notice of public hearing on the ballot title for the proposed Bull Mountain annexation published in the August 5, 2004 Tigard Times.

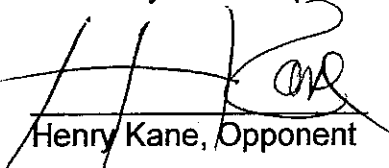
ORS 250.041(2) makes city initiative and referendum measures subject to ORS 250.005 to 250.037. The notice lacks the required ORS 250.035 ballot title caption, question and summary, and is therefore illegal, invalid and void.

The attachment does not contain the complete metes and bounds of the territory Tigard proposes to annex. The legal description in the published notice is a small fraction of the legal description of some three pages in the voluminous Tigard annexation file I recently inspected.

To survive a court challenge, the legal notice and measure referred to Tigard and Bull Mountain voters for double majority votes must identify the complete metes and bounds description of the territory Tigard proposes to annex.

If asked, Washington County might state the city must prove that it gave notice complying with the law governing ballot titles and legally sufficient description of the territory Tigard proposes to annex. Otherwise, the county might not place the Bull Mountain annexation referendum on the November 2004 election ballot.

In short, the city must publish a new ballot title notice with caption, question, summary and complete legal description of the territory subject to annexation.


Henry Kane, Opponent

**NOTICE OF PUBLIC HEARING
PROPOSED CITY OF TIGARD BALLOT MEASURE
FOR THE NOVEMBER 2, 2004 ELECTION**

The Tigard City Council will conduct a public hearing to receive comments from voters on a proposed ballot measure concerning the Bull Mountain Annexation Plan pending approval of the Plan after a public hearing on July 27, 2004 which was continued for deliberation and consideration on August 10, 2004.

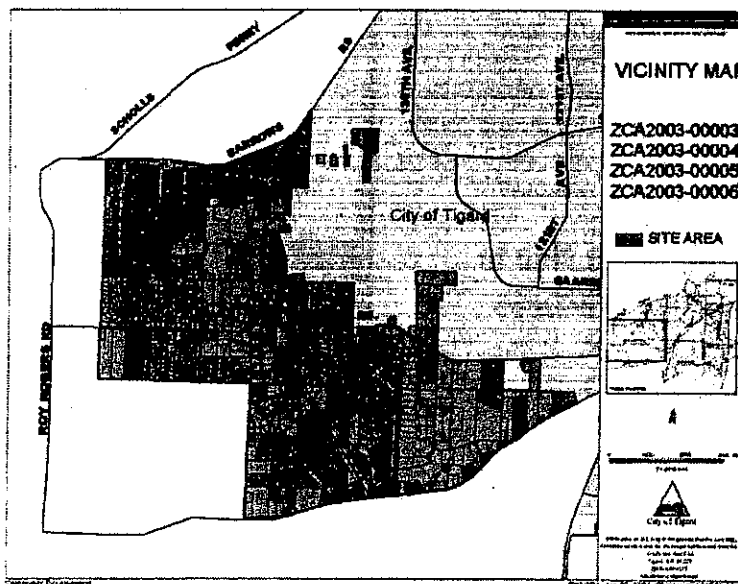
The hearing on the proposed Tigard ballot measure on the Annexation Plan will be held on **Tuesday, August 10, 2004, at 7:30 p.m.** in the Town Hall, 13125 SW Hall Boulevard, Tigard, Oregon. During the hearing, the Council will consider forwarding to Tigard and Bull Mountain voters the following:

A proposed ballot measure annexing territory in the Tigard Urban Growth Boundary (UGB) as provided in the Bull Mountain Annexation Plan. Approval would approve the Bull Mountain Annexation Plan and annex the following territory to Tigard effective July 1, 2005:

The property North of the center line of SW Beef Bend Road to 150th Ave.; East of the center line of 150th Ave.; North of the south line of French Prairie and Meyer's Farm subdivisions to the southerly extension of the west line of The Woods subdivision; East of the west line of the Kerron's Crest subdivisions, Tuscany, the Woods subdivisions, and the southerly extension of the west line of The Woods subdivision to the westerly extension of the south line of Meyers Farm; South of SW Barrows Road to the BPA Power line; West of the BPA power lines to the north line of High Tor subdivision; South of the north line of High Tor subdivisions; West of the east boundary of High Tor subdivision; South of existing city limits. Includes island within the existing city limits.

In the event Council does not accept the Bull Mountain Annexation Plan, this hearing will not be held.

Further information may be obtained from Deputy City Recorder Liz Newton at liz@ci.tigard.or.us or Deputy City Recorder/City Elections Officer Jane McGarvin at jane@ci.tigard.or.us; 13125 SW Hall Boulevard, Tigard, OR 97223; telephone, 503-639-4171.



**Chapter 18.320
ANNEXATIONS**

Sections:

18.320.010 Purpose
18.320.020 Approval Process and Standards

18.320.010 Purpose

A. Purpose. The purpose of this chapter is to:

1. Implement the policies of the comprehensive plan;
2. Provide for City review of all annexation requests for a determination of the availability of facilities and services as related to the proposal;
3. Provide for City and County coordination of annexation requests; and
4. Provide for an expedited process by establishing procedures whereby the annexation and rezoning may be considered concurrently.

18.320.020 Approval Process and Standards

A. Approval Process. Annexations shall be processed by means of a Type IV procedure, as governed by Chapter 18.390 using standards of approval contained in Subsection B2 below.

B. Approval Criteria. The decision to approve, approve with modification, or deny an application to annex property to the City shall be based on the following criteria:

1. All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and
2. The applicable comprehensive plan policies and implementing ordinance provisions have been satisfied.

C. Assignment of comprehensive plan and zoning designations. The comprehensive plan designation and the zoning designation placed on the property shall be the City's zoning district which most closely implements the City's or County's comprehensive plan map designation. The assignment of these designations shall occur automatically and concurrently with the annexation. In the case of land which carries County designations, the City shall convert the County's comprehensive plan map and zoning designations to the City designations which are the most similar. A zone change is required if the applicant requests a comprehensive plan map and/or zoning map designation other than the existing designations. (See Chapter 18.380). A request for a zone change can be processed concurrently with an annexation application or after the annexation has been approved.

D. Conversion table. Table 320.1 summarizes the conversion of the County's plan and zoning designations to City designations which are most similar.

19 August 2004

Jane McGarvin
Deputy City Recorder/Elections Officer
City of Tigard
12345 SW Hall Boulevard
Tigard OR 97223

RECEIVED C.O.T.

AUG 19 2004 3:20PM

Administration

Jane McGarvin

Re: Ballot Title for Annexation by Tigard of
Bull Mountain Areas

Dear Ms. McGarvin:

I am filing this letter as my petition to express my dissatisfaction with the ballot title filed by the City of Tigard regarding the ballot measure to annex the Bull Mountain areas.

My first objection is with the two subjects contained in the ballot title, annexation and property tax reduction for affected property owners. Because of the two subjects, it seems more appropriate to have two ballot titles - one that asks the question about annexation and the second that asks the question

about reducing property taxes for the areas to be annexed if the first measure passes.

If the City proceeds with the current ballot title with two subjects, then additional language should be added to both the Question and Summary portions to fully and clearly express the City's intent.

The Question should include mention of the property tax reduction so that voters are fully aware that they are not just voting on the annexation. Some suggested language for a revised Question might be:

"Shall unincorporated Bull Mountain be annexed to Tigard with property taxes reduced for two years within the annexed areas?"

The Summary needs clarification as to what specific property taxes will be at the reduced rate as to not mislead voters. Do the reduced property taxes refer to all taxes paid by those property owners in the annexed areas, including school district, fire, community college and

City of Tigard taxes? Or will only the City of Tigard taxes be at the reduced rates? Will the reduction also apply to existing levies, $\frac{2}{3}$ such as for the new library?

If the property tax reduction includes those taxes paid to other entities, does not the City need to get their approval on this? Obviously the other entities would need to determine the financial impact on their budgets of this reduced revenue stream.

If the property tax reduction only applies to specific City of Tigard taxes, then this needs to be clearly stated so that affected property owners, such as myself, can make an assessment of this reduction. Not making this clarification would ~~be~~ be misleading and result in upset property owners if the measure were to pass.

In addition to clarifying what property taxes would be reduced, the Summary should also include the specific tax rates for each year, the average taxes to be paid by a typical property owner

in the annexed area (e.g., the total amount of tax on a \$250,000 home) and the total estimated reduction in property taxes collected by the City in the two years. Voters in both the City and the Bull Mountain area need to know the true impact of this ballot measure.

For the multiple reasons stated above, I am dissatisfied with the proposed ballot title regarding the measure to annex the Bull Mountain areas by the City of Tigard. I request a review of the ballot title by the City of Tigard Council. To leave the ballot title unchanged and the issues raised above unaddressed would be misleading and a disservice to voters in both the City and the Bull Mountain areas. Rather than face potential challenges after the fact, I strongly encourage the City of Tigard to review and revise the ballot title to address these outstanding concerns.

Respectfully submitted,

Ellen Godowski
14630 SW 139th Avenue
Bull Mountain, OR
503-590-3631

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Goal 5 update and discussion

PREPARED BY: Julia Hajduk DEPT HEAD OK [Signature] CITY MGR OK [Signature]

ISSUE BEFORE THE COUNCIL

Discuss Goal 5 program and identify outstanding issues and provide comments on the proposed program.

STAFF RECOMMENDATION

N/A

INFORMATION SUMMARY

At the study session on August 10, 2004, the Council was provided a brief overview of the Tualatin Basin Goal 5 program and determined that additional time was needed to discuss the proposed program. Staff will be at the meeting on August 24, 2004 to continue discussions on Goal 5. Attached is the Memo previously sent to Council describing the program and Tigard impacts.

The Natural Resources Coordinating Committee (NRCC) has postponed their decision on the program until at least September 13th, allowing for more time to clarify details and address concerns. An update on the issues that have been identified to date will also be provided to Council.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

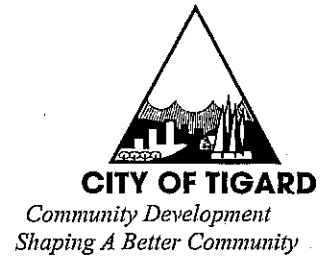
Growth and Growth Management Goal #1 "Growth is accommodated while protecting the character and livability of new and established areas while providing for natural environment and open space throughout the community."

ATTACHMENT LIST

Attachment A: August 6th Memo to Council (including 3 attachments)

FISCAL NOTES

N/A



**MEMORANDUM
CITY OF TIGARD**

TO: Mayor and City Council
FROM: Julia Hajduk, Associate Planner
SUBJECT: Goal 5 Update
DATE: August 6, 2004

The *Tualatin Basin Partners for Natural Places (Partners)* Goal 5 program is almost complete. Open houses were held on July 26, 28, and 29. A public hearing was held on August 2, 2004 in Hillsboro. An update/overview of the Tualatin Basin Goal 5 program will be provided on August 10, 2004. The discussions by Council on August 10th will provide direction on the City's position prior to the NRCC decision anticipated on August 16th. Specific policy issues that will be addressed are:

Policy issues:

- ☐ Does Council support the Tualatin Basin approach (program elements) as the means to address the goal of improving the environmental health of the Tualatin Basin?
- ☐ Are additional protection measures, which are recommended by citizen groups, supported by Council?

This memo and the attached documents provide background information and discussion to help Council in providing this policy direction.

Background

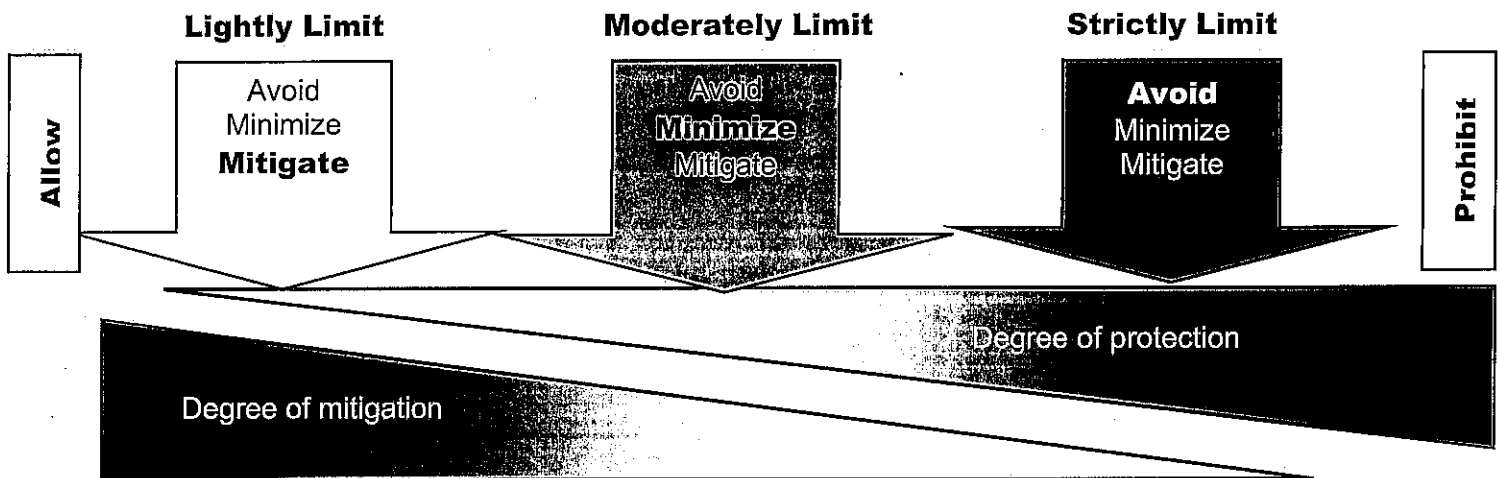
There are several steps in the process to achieve the goal of improving the environmental health of the Tualatin Basin. The first step, after the inventory by Metro, was the completion of an existing conditions report to determine the existing environmental health of the Tualatin River Basin. This existing environmental conditions report (EEHR) will provide the basis for the *Partners* to evaluate the effectiveness of the program in achieving its goal.

The second step in the process was the analysis evaluating the environmental, social, energy and economic (ESEE) consequences of allowing, limiting or prohibiting (ALP) conflicting uses/development within the resources inventoried. The ALP map was created to map the ESEE decision, identifying where impacts should be allowed, limited or prohibited. The ALP map identifies a spectrum of protection that ranges from strictly limit which provides full protection except in certain circumstances to lightly limit which allows for full removal of a resource provided mitigation takes place. The Coordinating Committee did not apply any prohibit designation on the resources in the Tualatin Basin.

Program elements

The program was developed to improve the environmental health of the Tualatin River Basin. The degree of resource protection on a given site depends on the quality of the resource and the underlying land use/zone that the resource is in. There are three main components of the program: Non-regulatory, Regulatory, and Revenue. Attachment 1 to this memo provides an overview of the program elements that have been developed.

In order to improve the environmental health of the Tualatin River Basin, existing resource impacts should be minimal. The principle of *avoid, minimize, mitigate* was used to develop the regulatory program element. Each site should avoid resource impacts, minimize impacts that are made and mitigate any impacts; the level of limit determines the emphasis:



By providing varying degrees of limit for development/conflicting uses, the program provides a balance between protection of the resource and mitigation for resource removal.

- **lightly limit** - the emphasis is on mitigation. Resource protection is voluntary and incentive based.
- **moderately limit** - balance between mitigation and avoidance. Resource is required to be protected, however all property allows some degree of resource mitigation.
- **strictly limit** - emphasis on avoidance. Resource removal is minimal. Any resource that is removed must be mitigated at high levels.

Program elements established to result in no further net loss of the resources are complemented with program elements to achieve the goal of improving the environmental health. The main focus of this program element is a fee, similar to the Surface Water Management (SWM) Fee that would be charged all property owners in the basin. Clean Water Services has identified a list of projects that, if completed, would meet the goal of improving the environmental health of the basin. (This is similar to a Transportation System Plan which identifies projects needed to ensure the transportation system continues to function well.) It is estimated that the entire project list would cost roughly \$127 million. Based on this cost estimate, a \$2.03 fee charged as part of the SWM fee over a 20 year period would provide the \$127 million for projects. The project list and cost estimates would be evaluated every five years to determine if adjustments were needed.

Funding

While the program includes revenue tools to implement the program, it does not compensate private property owners for additional loss of development capacity. The burden to prevent future resource loss is placed on the property owner. The burden to enhance the existing health of the basin, however, is placed on all residents of the Tualatin Basin through the SWM-type fee.

Tigard Impacts/Examples

The Council received an update in June that included a summary of Tigard's existing natural resource regulations and a comparison between the existing regulations and the areas that would potentially be impacted by new Goal 5 regulations. A copy of the handouts previously provided is attached to this memo (Attachment 2 and 3). Using the information in Attachment 2 and 3 as a starting point, below is a brief analysis of the impacts of the Goal 5 program for Tigard property owners.

New development/re-development - based on the amount of buildable land identified in the resource areas, Tigard will lose approximately 166.17 acres of buildable land area. Some of the density lost could be re-captured through the planned development process which allows density to be transferred on-site. It should be noted that wetlands, floodplains and steep slopes were subtracted from the buildable lands inventory even though in Industrial and Commercial zones, development of the floodplain is possible with balanced cut and fill. Examples will be provided that further illustrate the impact issues on Commercial and Industrial property at the August 10, 2004 meeting.

Existing development is harder to evaluate for impacts because it depends on what property owners want to do on their property. The program indicates that a property owner disturbing less than 200 square feet would be exempt from the standards, however there is also the concept that tree canopy areas will be protected. Details in upland wildlife habitat areas have not been fully developed, however this may impact a property owner's ability to remove non-hazard trees on their own property.

A property owner that wishes to disturb more than 200 square feet of resource area, even if the action does not require a land use permit (re-landscaping for example) may be required to comply with the new regulations.

In addition, of the land that is permitted to be developed, mitigation will be required to account for resource removal. Mitigation costs are discussed below.

Mitigation impacts – As stated previously, the cost of existing resource protection and mitigation is placed on individual property owners. Mitigation ratios and costs are described in Attachment 1. Below is an example to illustrate individual impacts of mitigation:

Hypothetical lot of 10,000 square feet with resource of the entire parcel

- Lightly limit, assuming the entire parcel is developed, a developer would pay a fee-in-lieu of \$11,040.
- Moderately limit, assuming the developer develops 50% of the parcel, the developer would pay a fee-in-lieu of \$8,550. If they increase their impact to 85% by completing an alternatives analysis, they would pay a fee-in-lieu of \$14,535.
- Strictly limit, since the entire parcel is covered by resource, some development would be permitted through an alternative analysis to prevent a takings issue. Assuming they are permitted to develop 50% of their property to avoid a takings issue, they would be required to pay a fee-in-lieu of \$15,200.

Public adjustment requests

Several groups have advocated for more stringent levels of protection. The following is a brief discussion of the request:

- Upgrade all floodplain areas to Strictly Limit - Tigard has a large amount of undeveloped floodplain in the Industrial areas and some Commercial zones in the Washington Square Regional Center Plan and Tigard Triangle areas which potentially make them vulnerable to development. These areas have a large potential impact to existing resources if developed. Upgrading all floodplains to Strictly Limit would address concerns along Fanno Creek as well as Ash Creek in the Washington Square Regional Center. Strictly Limit would not allow any development unless there was a takings issue or for public benefit such as a planned road connection, utility crossing, etc. Of the 217 Industrial acres impacted by Goal 5, approximately 128 are in the floodplain. A portion of the Industrial floodplain area, up to 50 acres, may also be impacted by wetlands, which are prohibited from development under the City's code. Changing all floodplains to Strictly Limit would not impact Tigard's target numbers since the buildable lands data has already removed floodplains areas, however, it may impact a private property owner's ability to develop their lot as they had envisioned.
- Upgrade all high value (Class I and A) habitat in Parks to strictly limit – This primarily affects Bonita Park. Most jurisdictions have a park zone which was placed into the "other urban" land use category and received a higher level of protection. Because Tigard's parks can be in any zone, some areas received a lower level of protection because they were located in a High Intensity Urban Zone. Right now, it is not entirely clear how parks will be reviewed in the Strictly Limit category. If a park or park improvement is in the Park Master Plan, it may be considered a public benefit, however new parks or unidentified park improvements may be limited.
- Upgrade all high value habitats in industrial zoned areas along Fanno Creek downstream of 99W and on Red Rock Creek - Much of this is covered by floodplain and is addressed under the first bullet, however, there are some properties, like the property behind the new library, that would be impacted beyond the floodplain area.

Timeframe/Next Steps

The Natural Resources Coordinating Committee (NRCC) will begin deliberation on August 9th and is expected to make a decision on the program on August 16, 2004. The program will be forwarded to the Metro Council to include as part of their regional Goal 5 effort. After August 16th the NRCC and steering committee will continue to develop the details necessary to implement the program concept. It is anticipated that the Metro Council will make a decision on the program in December 2004 and local ordinance adoption would be complete in late 2005. Local ordinance adoption will require updating the Development Code and Comprehensive Plan to reflect the Basin Wide program, public hearings and Council adoption of an Ordinance.

Tualatin Basin Goal 5 Program Overview

The program is focusing on 3 main elements to improve the environmental health of each Regional Site and the Tualatin Basin as a whole:

1. Non-regulatory
2. Regulatory
3. Revenue

1. *Non-regulatory*

Non-regulatory tools may include property owner education, stewardship recognition, restoration grants, tax incentives, acquisition and technical assistance to property owners and developers. Many of these activities are currently provided in the community through public and private agencies.

2. *Regulatory*

Design standards regulate how the property with resources can be developed. The program has differentiated the Lightly Limit (LL), Moderately Limit (ML) and Strictly Limit (SL) by regulating the amount of resource area that could be disturbed on a property:

- LL** – all resource can be disturbed, but mitigation is required
- ML** – up to 50% of resource can be disturbed with mitigation
- SL** – none of the resource can be disturbed unless there is a takings or public benefit (utility, planned transportation link, etc)

For existing development, the first 200 square feet of disturbance in existing development would be exempt from any review. In addition, people can continue on-going maintenance of their existing lawn and garden area. The program calls for protection of the tree canopy and native vegetation resources, however, specific details have not been developed to implement this goal. The Steering Committee is discussing a basin-wide tree cutting ordinance, however there is not unilateral support for this. Because much of the inventories resource is in existing developed areas, a program that does not provide some level of protection/mitigation of these resources will not achieve the basin goal of improving the environmental health of the Tualatin River Basin.

The program at this stage is conceptual. It is understood that the NRCC will forward the program concepts to Metro and continue to work on the details for implementation.

Design tools are a tool box of options that developers can use which will minimize the impact to the resource. An example of these tools include:

- low impact development such as roof gardens, pervious pavement or landscape detention/retention planters to slow site run-off
- clustering/planned developments to avoid resources
- Density transfers
- Height/setback adjustments

3. Funding

There are 2 major funding sources envisioned.

SWM type fee

A fee, similar to the Surface Water Management (SWM) Fee that would be charged all property owners in the basin. Clean Water Services has identified a list of projects that, if completed, would meet the goal of improving the environmental health of the basin. (This is similar to the Transportation System Plan which identifies projects needed to ensure the transportation system continues to function well.) It is estimated that the entire project list would cost roughly \$127 million. Over a 20 year period, a \$2.03 fee charged as part of the SWM fee would provide the \$127 million for projects. The project list and cost estimates would be evaluated every five years to determine if adjustments were needed.

Fee-in-lieu of mitigation

Another funding element is the fee-in-lieu of mitigation. The fee would be an option for developers that can not provide mitigation on or off site. The fee would be based on the cost to purchase plant and maintain the habitat. The specific mitigation ratios and fee has not been decided yet.

SUMMARY OF EXISTING NATURAL RESOURCE REGULATIONS

The City of Tigard and Clean Water Services (CWS) have existing regulations for natural resource areas. There are existing regulations for floodplain, wetlands, streams, wetland buffers and stream buffers. Below is a brief discussion of the existing regulations. In some instances, Tigard's standards are stricter, in other instances, the CWS standards are more stringent. The summary below provides the more restrictive standard to provide a quick look at what the regulations are for each resource category.

Floodplains

Limited development allowed in commercial and industrial zones with no net increase in flood level. Floor elevation must be 1' above the floodplain measured from the bottom of the floor beam. No development is allowed in residential zones.

Wetlands

No development is permitted in locally significant wetlands without an ESEE analysis and comprehensive plan amendment.

Stream Buffers

Tigard's standards are a 75' buffer from the Tualatin River, 50' along Fanno, Ball and Ash Creeks and 25' along Summer, North Ash, Red Rock and Derry Dell Creeks. The CWS buffers vary from 50-200' for streams with year round flow depending on the slope adjacent to the stream. The CWS standards also provide buffers of 15'-50' depending on the number of acres draining into the stream and the slope adjacent to the stream. Each site is evaluated and the stricter standards are applied. Within the buffer, no structures, development, gardens or lawns are permitted, however, small scale averaging of the buffer is permitted.

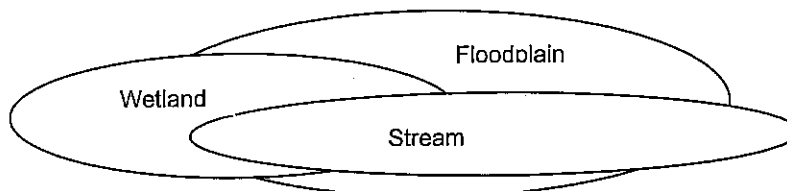
Wetland Buffers

Minimum buffer of 25 feet from wetland edge unless all or part of the wetland is located within the stream corridor. In that case, the stream corridor width is measured from the wetland edge. CWS requires a 50' buffer for wetlands greater than .5 acres. CWS requires buffers from all existing and created wetlands, not just locally significant wetlands.

Total Acres affected by existing natural resource regulations

Riparian Resources	Commercial	Industrial	Residential
Floodplain	100.81	128.20	376.39
Wetland	51.16	49.44	188.76
Wetland buffer	32.75	32.40	134.84
Stream buffer	43.37	42.98	265.96
Total resource area*	138.21	158.49	634.96

**Note that the total resource acreage is less than the sum due to overlap of the resource:*



Steep slopes

In addition to the riparian resources described above, the sensitive lands review section of the development code regulates steep slopes. For the most part, development is not prohibited on steep slopes as long as a geotechnical engineer certifies that the land form alteration will not result in erosion, stream sedimentation, ground instability, or other adverse on-site or off-site effects or hazards to life or property. Steep slope areas are not included in the density calculations, however up to 25% of the density that would otherwise be permitted on the steep slopes may be transferred to the remaining buildable area.

The following table shows the amount of land currently identified as having slopes 25% or greater:

	Acres affected
Commercial	1.44
Residential	252.59
Industrial	0.49

COMPARISON BETWEEN AREAS OF EXISTING REGULATION AND AREAS DISCUSSED WITH CURRENT GOAL 5 EFFORTS

How much MORE area is under consideration with the current Tualatin Basin Goal 5 efforts?

	Total existing regulation (including steep slopes)	Total Goal 5 limit	Difference
Commercial	139.65	243.83	104.18
Residential	887.55	1743.37	855.82
Industrial	158.98	217.81	58.83

Why the difference?

- Larger buffers from streams and wetlands (impact areas)
- Upland and riparian wildlife habitat areas

How much of the additional areas are considered buildable?

The following table shows the amount of land in the ALP limit areas that is considered buildable based on the buildable lands inventory and the draft Tualatin Basin ALP map.

Buildable land within Tualatin Basin Goal 5 limit designated areas

	Commercial	Residential	Industrial	Total
Lightly limit	34.97	109.83	34.75	179.55
Moderately limit	2.74	196.05	10.12	208.91
Strictly limit	0	61.72	0	61.72
Total	37.71	367.6	44.87	450.18

- The buildable land identified in Tualatin Basin limit designated areas represents roughly half of the buildable land in Tigard and the Urban Services area.
- The majority of the buildable land is within upland wildlife habitat areas
- The land identified as buildable has already deducted areas of existing regulation so there is no overlap in this category between the existing and potentially regulated buildable land.